

**BEFORE**  
**THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION**  
**LUCKNOW**

Present:

1. Shri Raj Pratap Singh, Chairman
2. Shri K. K. Sharma, Member

**IN THE MATTER OF:**

Application for Grant of Intra State Transmission License.

**AND**

**IN THE MATTER OF:**

Obra 'C' Badaun Transmission Limited ..... (Petitioner)

**Order**

1. Obra 'C' Badaun Transmission Limited has filed this petition under Section 14 of Electricity Act, 2003 (the Act) and section 3.2 of UPERC (General Conditions of Transmission Licence) Regulations, 2005 (the Regulations) for grant of intra-state transmission license to undertake the business of establishing, commissioning, operation & maintenance of the following transmission lines (hereinafter referred to as "Transmission System").

| S.NO.        | Name of Line/Sub-Station  |
|--------------|---|
| <b>LOT-1</b> |   |
| 1            | LILO of 765 KV Anpara 'D' Unnao SC Line at Obra-C TPS                               |
| 2            | Establishment of 400/220/132 KV (GIS) Substation (2 x 315 + 2 x 160) MVA, at Badaun |
| 3            | 400 KV DC Roza- Badaun Line   |



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|--------|--|
| 4      | LILC 220 kV C. B Ganj (220 KV)-Badaun (220 kV) SC Line at 400 KV Badaun Substation             |
| 5      | LILC 220 kV Chandausi (220 KV)-Badaun (220 kV) SC Line at 400 KV Badaun Substation             |
| 6      | 132 KV Badaun Ujhani -Badaun (400 kV) SC Line<br>And<br>132 kV Bilsi – Badaun (400 kV) SC Line |
| 7      | 2 Nos. 132 KV bays (One each at 132 KV Substation Ujhani & Bilsi Substations                   |
| 8      | 2 Nos. 400 KV bays at Badaun for 13 <sup>th</sup> plan substations                             |
| LOT -2 |  |
| 9      | 400 KV DC Jaunpur- Obra line (Upto LILC point of Obra 'B' – Obra 'C' line.                     |

2. The applicant has submitted that UPPTCL vide its letter 278/PS/DIR (W&P)/PTCL/Obra 'C' dated 1<sup>st</sup> June 2018 appointed PFC Consulting Ltd. to be the Bid Process Coordinator ("BPC") for the purpose of selection of Bidder as Transmission Service Provider ("TSP") to establish Obra 'C' - Badaun Transmission System through tariff based competitive bidding process.'
3. The applicant has further submitted that BPC invited all prospective Bidders for issuance of Request for Qualification (RFQ) on a 28.06.2018 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) on the basis of international competitive bidding in accordance with the "Tariff Based Competitive Bidding Guidelines for Transmission Service" and "Guidelines for Encouraging Competition in Development of Transmission Projects" issued by Government of India, Ministry of Power under Section -63 of The Electricity Act. 2003. The responsibility of the TSP was to establish transmission system for evacuation of power from 2x660 MW Obra 'C' by means of Obra 'C' - Badaun Transmission Limited on build, own, operate & maintain basis.
4. Subsequent to the process of competitive bidding carried out in accordance with the guidelines, Adani Transmission Ltd. was evaluated as successful bidder and the LOI in this regard was issued on 29<sup>th</sup> November, 2018. Subsequently, the applicant signed share purchase agreement on 21<sup>st</sup> December 2018 and acquired M/s Obra 'C' - Badaun Transmission Limited and the TSA was entered between identified Long Term Transmission



Customers and Obra'C' - Badaun Transmission Limited. on 15<sup>th</sup> October, 2018.

5. Further, a company under the Companies Act by the name "Obra 'C' -Badaun Transmission Limited." was incorporated on 9<sup>th</sup> August, 2018 for execution of the project and subsequently to act as TSP after being acquired by the successful bidder.
  
6. The present petition has been filed by M/s Obra'C' - Badaun Transmission Limited., as TSP for grant of intra-state transmission license. In accordance with the regulation, Obra'C' - Badaun Transmission Limited also forwarded a copy of petition with enclosures to all Long-Term Transmission Customers (LTTCs)/ STUs as defined under TSA. The Commission has examined the application in the light of the provisions of the Act and provisions of the regulations. The Commission in its order dated 2<sup>nd</sup> April, 2019 directed as follows.

*"the petitioner is directed to publish a notice under section 15(2) of the Electricity Act, 2003 in accordance with the requirements laid down under section 3.7.1 & 3.7.2 of UPERC (General Conditions of Transmission Licence) Regulations, 2005*

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

7. The public notice was issued in various newspapers on 05th April, 2019. In response to the public notice no objections/suggestions were received by the Commission. It was also been informed by the applicant vide their letter dated 6<sup>th</sup> May, 2019 that they had also not received any objection in response to the public notice.
  
8. The Commission also, vide its order dated 2<sup>nd</sup> April, 2019, directed the applicant to submit a no objection from the concerned authority of the Central



Government if their system is likely to affect any local authority, cantonment, aerodrome, arsenal, dockyard or camp/building/place in the occupation of Government for defence purposes. In response to the same, the applicant, vide its affidavit dated 22<sup>nd</sup> April, 2019, submitted that no cantonment, aerodrome, arsenal, dockyard or camp/building/place in the occupation of Government for defence purposes fall in the proposed area of transmission of M/s Obra 'C' - Badaun Transmission Limited.

9. Subsequent to it, a public notice was published by the Commission in newspapers for holding a public hearing in the matter on 7<sup>th</sup> June 2019. During the course of hearing, Mr. Awadhesh Verma, the sole objector, raised the issue that though an affidavit has been submitted by the applicant but still an attempt should be made for obtaining NOC from the defence organization. The Commission directed the applicant during the course of hearing for seeking the NOC from defence organization. Further, the Commission in its order, in reference of the hearing dated 7<sup>th</sup> June, 2019 directed the applicant to write a letter for NOC to the concerned organization for obtaining the no objection certificates or submitting the documentary evidence that it has approached the relevant organization for obtaining no objection certificate and despite its due diligence it has fail to procure the NOC. The Commission granted 15 days' time to the applicant to carry out the above direction of the Commission and submit relevant documents before the Commission. The applicant, vide its letter dated 7<sup>th</sup> June, 2019, wrote to The Quarter Master General Branch, Army Headquarter, Sena Bhawan, New Delhi seeking his comments/objections, within two weeks' time, on the proposed transmission system of the applicant. The letter also stated that in case no response is received within two weeks' time, it will be assumed that defence department has no objection in grant of license to Obra 'C' -Badaun Transmission Limited. The applicant submitted an affidavit, dated 25<sup>th</sup> June 2019, before the Commission that it has not received any comments/objections in response to its communication with the defence department.
10. The Commission is, accordingly, satisfied that the applicant fulfils the requirement of the Act & regulations for grant of intra state transmission

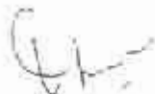


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license for the subject transmission system mentioned at para 1 of this order. Accordingly, it is directed that a transmission license be granted to Opra 'C'-Badaun Transmission Limited to undertake the business of establishing, commissioning, operation & maintenance of the transmission systems as per the details given in para 1 above.

11. The grant of intrastate transmission license to the applicant is subject to the following conditions:
- a. The transmission license shall, unless revoked earlier, shall remain in force for a period of 25 years;
  - b. If the useful life of the transmission system extends beyond the period of 25 years, the applicant may make an application two years before the expiry of initial period of license for grant of license for another term which shall be considered by the Commission in accordance with the then law;
  - c. The applicant shall not enter into contract or otherwise engage in the business of trading in electricity during the period of subsistence of the transmission license;
  - d. The applicant shall have the liability to pay the license fee in accordance with the provisions of the UP Electricity Regulatory Commission (Fees & Fines) Regulations, 2010, as amended from time to time or any other regulations in force.
  - e. The licensee shall comply with the directions of the Regional Load Dispatch Centre under sub-section (3) of section 28 or subsection (1) of section 29 of the Act and the directions of the State Load Dispatch Centre under sub-section (2) of section 32 or subsection (1) of section 33 of the Act, as may be issued from time to time for maintaining the availability of the transmission system.
  - f. The applicant shall provide non-discriminatory open access to its transmission system for use by any other licensee, including a distribution licensee or an electricity trader, or generating company or any other person in accordance with the Uttar Pradesh Electricity







Regulatory Commission (Open Access in intra-State Transmission) Regulations, as amended from time to time;

- g. The applicant shall not undertake any other business for optimum utilization of the transmission system without prior intimation to the Commission;
- h. The applicant shall remain bound by the provisions of the Act, the rules and regulations framed there under, in particular the transmission license regulations, IEGC, the Grid Code, the Standards specified by the Central Electricity Authority, orders and directions of the Commission issued from time to time.
- i. The licensee shall disclose details of related party transactions to all Long-Term Transmission Customers (LTTCS)/ STUs as defined under TSA, if any, periodically in accordance with provisions of Companies Act.

12. Petition no. 1397/2018 is disposed of in the terms of the above. It is directed that copies of this order be endorsed to all Long-Term Transmission Customers of the transmission system as well as to STU.



  
(K. K. Sharma)  
Member

  
(Raj Pratap Singh)  
Chairman

Place: Lucknow  
Dated: 05 July 2019

**TRANSMISSION LICENSE, 2019 UNDER ELECTRICITY ACT- 2003**

**TO**

**Obra 'C' Badaun Transmission Limited (OBTL)**

**(License no. 2 of 2019)**

1. The Uttar Pradesh Electricity Regulatory Commission (hereinafter referred to as "the Commission"), in exercise of the powers under Section 14 of the Electricity Act, 2003 (hereinafter referred to as "the Act"), hereby confers this license upon Obra 'C' Badaun Transmission Limited (hereinafter referred to as 'OBTL' or 'the licensee'), a company incorporated under the Companies Act, 1956 and having its registered office at C-105, Anand Niketan, New Delhi – 110 021 to undertake the business of build, own, operate, maintain (BOOM) basis of the transmission system given at Annexure-1.
2. This License may be called "Obra 'C' - Badaun Transmission Limited" (License no. 2 of 2019)".
3. (a) The transmission license shall, unless revoked earlier, remain in force for a period of 25 years; with effect from date of issue of this license.  
  
(b) If the useful life of the transmission system extends beyond this license period of 25 years, OBTL may make an application two years prior to expiry of the initial period of license for grant of license for a further period of 10 years, which shall be considered by the Commission in accordance with the then prevailing laws.
4. Licensee shall remain bound by the provisions of the Act, the rules and regulations framed there under, in particular the transmission license regulations, Indian Electricity Grid Code, UP Electricity Grid Code, the Standards specified by the Central Electricity Authority and the orders & directions of the Commission issued from time to time.



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5. OBTL, as Transmission Licensee, shall carry out the responsibilities conferred upon it, in particular but not limited to, under UP Electricity Grid Code, UPERC (Terms & Conditions for Open Access) Regulations, 2004, UPERC (Grant of connectivity to Intra State Transmission System) Regulations, 2010 including their amendments and modifications as and when carried out.
6. Licensee shall provide non-discriminatory open access to its transmission system for use by any other licensee, including a distribution licensee or an electricity trader, or generating company or any other person in accordance with the Uttar Pradesh Electricity Regulatory Commission (Open Access in intra-State Transmission) Regulations, as amended from time to time
7. The licensee shall comply with the directions of the Regional Load Dispatch Centre under sub-section (3) of section 28 or subsection (1) of section 29 of the Act and the directions of the State Load Dispatch Centre under sub-section (2) of section 32 or subsection (1) of section 33 of the Act, as may be issued from time to time for maintaining the availability of the transmission system;
8. The Transmission Service Agreement (TSA) entered into between the licensee and long-term transmission customers shall be honoured by the parties involved in the TSA.
9. The licensee shall not enter into contract or otherwise engage in the business of trading in electricity during the period of subsistence of the transmission license.
10. The licensee shall not undertake any other business for optimum utilization of the transmission system without prior intimation to the Commission.
11. The licensee shall have the liability to pay the annual license fee in accordance with the provisions of the UP Electricity Regulatory Commission (Fees & Fines) Regulations, 2010, as amended from time to time or any of other regulations in force.

2)

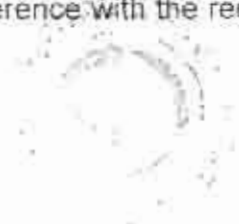


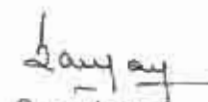
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The license fee for a part of the year shall be paid on pro-rata basis. The year for the purpose of this clause shall mean a financial year i.e. a period of twelve months from 1st April of a year to 31st March of the following year

12. The licensee shall disclose details of related party transactions to all Long-Term Transmission Customers (LTTCS)/ STUs as defined under TSA, if any, periodically in accordance with provisions of Companies Act.
13. The licensee may lay down or place electric supply lines and other installations subject to provisions of section 67 to 69 and 159 to 161 of the Electricity Act, 2003. Further, the licensee shall ensure adherence with the requirement laid down under section 164 of Electricity Act, 2003.



  
Secretary

Dated: 05 July 2019

Place: Lucknow

Annexure-1

Transmission Project Elements

| S NO.         | Name of Line/Sub-Station   |
|---------------|--|
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| <b>LOT -2</b> |  |
| 9             | 400 KV DC Jaunpur- Obra line (Upto LILO point of Obra 'B' -- Obra 'C' line.                    |



*By*