

**BEFORE THE HON'BLE CENTRAL ELECTRICITY  
REGULATORY COMMISSION, AT NEW DELHI**

**Petition No. 262/ TL/ 2023**

**In the matter of:**

Application for grant of transmission licence as specified under the CERC (Procedure, Terms & Conditions for grant of Transmission licence and other related matters) Regulation, 2009

**AND**

**In the matter of:**

JSW Hydro Energy Ltd.

**Petitioner**

agarwal.anurag@jsw.in, 9004046998


Versus

Central Transmission Utility Ltd. & Ors.

**Respondents**

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 Filed by:  
**JSW Hydro Energy Ltd.**

Place: New Delhi

Dated: 27 December 2023

02

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**Petition No. 262/ TL/ 2023**

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**AND**

**In the matter of:**

1. JSW Hydro Energy Ltd.

Through Mr. Anurag Agarwal

Authorized Signatory

Having its office at:

4<sup>th</sup> Floor, NTH Complex, A-2, Shaheed Jeet Singh Marg,

Qutub Institutional Area, New Delhi 110067

**agarwal.anurag@jsw.in, 9004046998**

**Petitioner**

Versus

1. Central Transmission Utility Ltd.

Through Chief Operating Officer -CTU

"Saudamini", Plot No.-2,

Sector-29, Gurgaon-122 001, Haryana

**Respondent No. 1**

2. HPSEB Ltd.

Through Chief Engineer- System Operations

Vidyut Bhawan, Shimla – 171004, H.P.

**Respondent No. 2**

3. Haryana Power Purchase Centre,

Through Chief Engineer-HPPC,

Vidyut Sadan, IP No.: 3&4,



Sector-14, Panchkula, Haryana -134113

**Respondent No. 3**

4. Punjab State Power Corporation Ltd,  
Through its CMD,  
The Mall, Patiala-147001

**Respondent No. 4**

5. UP Power Corporation Ltd,  
Through its CMD,  
Shakti Bhawan, 14, Ashok Marg,  
Lucknow- 226001

**Respondent No. 5**

6. Jaipur Vidyut Vitran Nigam Limited,  
Through its CMD,  
Vidyut Bhawan, Janpath, Jaipur-302005

**Respondent No. 6**

7. Ajmer Vidyut Vitran Nigam Limited,  
Through its CMD,  
Vidyut Bhawan, Panchsheel Nagar,  
Makarwali Road, Ajmer-305004

**Respondent No. 7**

8. Jodhpur Vidyut Vitran Nigam Limited,  
Through its CMD,  
New Power House, Industrial Area,  
Jodhpur-342003

**Respondent No. 8**

**MOST RESPECTFULLY SHOWETH**

1. In the matter of application for grant of transmission licence as specified under the CERC (Procedure, Terms & Conditions for grant of Transmission licence and other related matters) Regulation, 2009, this Hon'ble Commission vide its ROP dated 13.12.2023 has issued certain directions to the petitioner M/s JSW Hydro Energy Limited.



2. In compliance of the above communication, the petitioner is herewith submitting its response:

- a. The petitioner has impleaded CTUIL, HPSEBL & the beneficiaries of the Northern Region as Respondents as per attached amended memo of parties. Copy of said application for transmission licence has been served upon the respondent by email dt 26.12.2023. Copy of the email sent is enclosed as **Annexure A**. The impleaded respondents have also been duly mapped on the CERC portal.
- b. The Petitioner herebelow clarifies the aspects of planning and execution of the LILO of Nathpa Jhakri-Baspa 400 kV D/C line at Karcham Wangtoo:

*In the year 2002, CEA gave clearance to PGCIL to construct a LILO on the transmission line from Baspa to Nathpa Jhakri line at Wangtoo to evacuate power from the Karcham Wangtoo project after its commissioning as the said transmission line had the capacity available for such evacuation. The Central Electricity Regulatory Commission vide order dated 1.10.2007 in Petition No. 44/2007 granted Inter-State transmission licence to JPL, a joint venture company promoted by Jaiprakash Power Ventures Limited and Power Grid Corporation of India Limited, with the permission to construct a LILO on the said line (Copy of the order is enclosed as **Annexure B**). Hence the LILO is not temporary arrangement but a permanent arrangement. Power from Karcham Wangtoo Project is sometimes evacuated through the LILO of transmission line from Karcham Wangtoo to Nathpa Jhakri in case of transmission constraints in Wangtoo Abdullapur Line.*



At this stage the Petitioner states that the averment made in para 10 of the Annexure 1 to the Form I submitted in transmission line application, on interim arrangement based on the document dated 7.9.2011, is an inadvertent error. The minutes of 7.9.2011 do not pertain to the LILO at Karcham Wangtoo at all. The interim arrangement covered by the minutes of 7.9.2011 is not relevant.

Place: New Delhi

Dated: 27 December 2023

  
**For JSW Hydro Energy Limited**

**BEFORE THE HON'BLE CENTRAL ELECTRICITY  
REGULATORY COMMISSION, AT NEW DELHI**

**Petition No. 262/ TL/ 2023**

**In the matter of:**

JSW Hydro Energy Ltd.

**Applicant**

Versus

Central Transmission Utility Ltd. & Ors.

**Respondents**

**AFFIDAVIT**

I, Anurag Agarwal S/o Kamal Kishore Agarwal, aged about 43 years residing at Panchsheel Pratishtha, Sector 75, Noida 201301 U.P., working as General Manager (F&A) of the Applicant Company, having its office at 4<sup>th</sup> Floor, NTH Complex, A-2, Shaheed Jeet Singh Marg, Qutub Institutional Area, New Delhi 110067, presently in Delhi do hereby solemnly affirm and state as under: -

1. I state that I am duly authorized and competent to affirm this Affidavit for and on behalf of the Applicant and I am acquainted with the facts and circumstances of the present case. I say that I have read and understood the contents of the accompanying reply to ROP dt 13.12.2023.



2. I state that the facts stated in the accompanying reply to ROP dt 13.12.2023 are true and correct to the best of my knowledge based on the records of



the Applicant Company and that the legal submissions made therein are based upon information received by me and believed to be true.

3. I state that the annexures annexed with the Petition are true copies of the original.

  
  
**DEPONENT**

### VERIFICATION

I, the deponent above named, do hereby verify that the contents of my above affidavit are true and correct, no part of it is false and nothing material has been concealed therefrom.

Verified at New Delhi on this 27 <sup>DEC 2023</sup> day of December, 2023.

  
  
**DEPONENT**



**ATTESTED**  
  
Notary Public, Delhi (India)

**27 DEC 2023**

Anurag A  
08

Agarwal Anurag &lt;agarwal.anurag@jsw.in&gt;

## Application for transmission license in respect of KW-Jhakhri portion of Baspa II-Jhakhri transmission line

Agarwal Anurag &lt;agarwal.anurag@jsw.in&gt;

Tue, Dec 26, 2023 at 2:41 PM

To: pcgarg@powergrid.in, ceso@hpseb.in, cehppc@uhbvn.org.in, cmd-ppcl@ppcl.in, md@uppcl.org, md@jvvn.org, avvn0145@yahoo.com, mdajmerdiscom@gmail.com, md.jdvnl@rajasthan.gov.in

Cc: Aman Anand &lt;amananandadvocate@gmail.com&gt;, Tushar Borse &lt;tushar.borse@jsw.in&gt;, Jyotiprakash Panda &lt;jyotiprakash.panda@jsw.in&gt;, Kaushik Maulik &lt;kaushik.maulik@jsw.in&gt;, Kanwar Bhanu Uday &lt;kanwar.bhanu@jsw.in&gt;

Dear Sir/s

In reference to the subject cited above, please find attached a copy of application along with directions issued by Hon'ble CERC dt. 13.12.23 for serving copy of application in the matter.

Kindly acknowledge..

Recipient list as per amended memo of parties:

**Petition no. 262/TL/2023**

Organisation	Name	Designation	Email ID
CTU	Mr. PC Garg	Chief Operating Officer-CTU	pcgarg@powergrid.in
HPSEBL	Mr. Mandeep Singh	Chief Engineer- System Operations	ceso@hpseb.in
HPPC	Mr. Randeep Singh	Chief Engineer HPPC	cehppc@uhbvn.org.in
PSPCL	Mr. Baldev Singh Saran	CMD- PSPCL	cmd-ppcl@ppcl.in
UPPCL	Mr. Pankaj Kumar	MD- UPPCL	md@uppcl.org
JVVNL	Mr. RN Kumawat	MD- JVNL	md@jvvn.org
AVVNL	Mr. NS Nirwan	MD- AVVNL	avvn0145@yahoo.com, mdajmerdiscom@gmail.com
JDVNL	Mr. Pramod Tak	MD- JDVNL	md.jdvnl@rajasthan.gov.in

With Regards

Anurag Agarwal, General Manager

4th Floor, NTH Complex, A-2, Shaheed Jeet Singh Marg, Qutub Institutional Area | New Delhi, 110067

Cell: 96 5450 9708, 90 0404 6998

www.jsw.in



### 4 attachments

 Amended memo of parties.pdf  
84K

 CERC ROP\_262-TL-2023\_13.12.23.pdf  
78K

 0. affidavit signed.pdf  
93K

 0. TL Application complete\_16.8.23.pdf  
21634K




**BEFORE THE HON'BLE CENTRAL ELECTRICITY  
REGULATORY COMMISSION, AT NEW DELHI**

**Petition No. 262/ TL/ 2023**

**In the matter of:**

Application for grant of transmission licence as specified under the CERC (Procedure, Terms & Conditions for grant of Transmission licence and other related matters) Regulation, 2009

**Amended Memo of Parties**

**In the matter of:**

1. JSW Hydro Energy Ltd.

Through Mr. Anurag Agarwal

Authorized Signatory

Having its office at:

4<sup>th</sup> Floor, NTH Complex, A-2, Shaheed Jeet Singh Marg,

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**Petitioner**

Versus

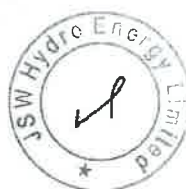
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Through its CMD,  
New Power House, Industrial Area,  
Jodhpur-342003

**Respondent No. 8**

**THROUGH**



**JSW HYDRO ENERGY LTD.**

**(PETITIONER)**

**Date: 20.12.2023**

**Place: New Delhi**



**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Coram:**

1. Shri Bhanu Bhushan, Member
2. Shri R. Krishnamoorthy, Member

**Petition No. 44/2007**

**In the matter of**

Application for grant of transmission licence to Jaypee Powergrid Limited.

**And in the matter of**

Jaypee Powergrid Ltd., New Delhi  
Vs

**..Applicant**

1. Power Grid Corporation of India Limited, New Delhi
2. Jaypee Karcham Hydro Corporation Ltd., Kandaghat
3. PTC India Ltd., New Delhi
4. Punjab State Electricity Board, Patiala
5. Haryana Vidyut Prasaran Nigam Ltd., Panchkula
6. Uttar Pradesh Power Corporation Ltd., Lucknow
7. Rajasthan Power Procurement Centre, Jaipur
8. Jaipur Vidyut Vitaran Nigam Ltd., Jaipur
9. Ajmer Vidyut Vitaran Nigam Ltd., Ajmer
10. Jodhpur Vidyut Vitaran Nigam Ltd., Jodhpur
11. Govt. of Himachal Pradesh, Shimla
12. Central Electricity Authority, New Delhi
13. Power Development Department, Govt. of J&K, Jammu

**..Respondents**

**The following were present:**

1. Shri Amit Kapoor, Advocate, Jaypee
2. Shri Avijeet K.Lala, Advocate, , Jaypee
3. Shri Rajiv Bhardawaj, Jaypee
4. Shri R.B.Mishra, Jaypee
5. Shri Amit Sharma, Jaypee
6. Shri Rajiv Mohan, PGCIL/CTU
7. Shri Mukesh Khanna, PGCIL/CTU
8. Shri J.P.Kalra, HPSEB
9. Shri Anand K. Ganesan, Advocate, HPSEB
10. Ms. Mandakini Singh, Advocate, Brakel.

**ORDER  
(DATE OF HEARING: 27.9.2007)**

The application has been made under sub-section (1) of Section 15 of the Electricity Act, 2003 (the Act) for grant of transmission licence for construction and maintenance of the transmission lines and facilities to be used for evacuation



of power from Karcham-Wangtoo HEP to the Central Transmission Utility's Abdullapur sub-station located in the State of Haryana, as under:

- (a) LILO of 400 kV D/C Baspa - Nathpa Jhakri transmission line at Wangtoo;
- (b) 400 kV D/C Karcham-Wangtoo-Abdullapur transmission line (Quad conductor); and
- (c) 400/220 kV sub-station (Extension) (PGCIL) at Abdullapur.

2. The applicant is a joint venture company promoted by Jaiprakash Hydro Power Limited (JHPL) and Power Grid Corporation of India Ltd (PGCIL). The applicant, as well as JHPL are group companies of Jaiprakash Associates Ltd (JAL). A hydroelectric project, namely Karcham-Wangtoo HEP is being developed by a group company of the applicant. The applicant has proposed the transmission system primarily for evacuation of power from Karcham-Wangtoo HEP to Abdullapur sub-station located in the State of Haryana for its onward transmission to the beneficiary States in the Northern Region.

3. The main objects of the applicant company include undertaking the business of establishing, commissioning, setting up, operating and maintaining electric power transmission systems/networks. The applicant has stated that with the support of the group company, namely Jaiprakash Associates Ltd. it would be able to undertake the execution of the transmission lines and other facilities, in respect of which application for grant of licence has been made,

4. The applicant has submitted that as a part of the power to be transmitted through the above transmission system is meant for inter-State users, they are part of the inter-State transmission system in terms of sub-section (36) of Section



2 of the Act. Accordingly the Commission has been approached for grant of licence.

5. The applicant sent a copy of its application to the Central Transmission Utility in accordance with sub-section (3) of Section 15 of the Act.

6. The Central Transmission Utility, vide its letter dated 23.4.2007, has recommended grant of licence to the applicant.

7. The applicant published public notices in the newspapers as required under sub-section (2) of Section 15 of the Act. In response to public notice published by the applicant M/s. Brakel Corporation NV, the parent company of Brakel Kinnaur Power Pvt. Ltd (collectively referred to as "Brakel") and Himachal Pradesh State Electricity Board (HPSEB) filed their objections. In its reply to the petition, the State Government of Himachal Pradesh, Respondent No.11 herein generally repeated the objections raised by HPSEB. Central Electricity Authority (CEA), Respondent No.12 had also placed on record its views.

8. On consideration of the objections and suggestion received in response to the public notice published by the applicant, the replies filed by the respondents and the views of the Central Transmission Utility the Commission by its order dated 17.8.2007 had proposed to grant licence to the applicant for the assets applied for.

9. A notice under clause (a) of sub-section (5) of Section 15 of the Act was published by the Commission, inviting suggestions/objection to the above proposal of the Commission. However, no objections have been received in response to the notice published by the Commission.



10. During the hearing, the learned counsel for HPSEB wanted an assurance that certain land, considered to be most suitable for construction of 400 kV pooling sub-station at Sherpa Colony and stated to be with the applicant, shall be made available for the proposed pooling sub-station. The applicant stated at the hearing that the land was only under temporary occupation of the generating company, and it still belonged to Govt. of H. P. In these proceedings it is not possible for us to determine the correctness or otherwise of the statement made on behalf of HPSEB or the applicant and give the direction sought.

11. Learned counsel for HPSEB further stated that in the event of grant of licence, the applicant be directed to co-ordinate with HPSEB, which is presently functioning as the State Transmission Utility, for the entire line in general and for 18 kms critical stretch between Bhaba and Kotla because of the corridor constraint on this stretch of line and a further direction that one number 220 kV transmission corridor should be kept reserved for the extension of one No. 220 kV D/C line of HPSEB.

12. The functions and duties of the State Transmission Utility and the licensee are defined in Sections 39 and 40 of the Act respectively. One of the functions of the State Transmission Utility is to co-ordinate with the licensees (including the transmission licensee). The grant of transmission licence to the applicant will not in any manner hinder the performance of functions of the State Transmission Utility. Similarly, the applicant as transmission licensee will be obligated to discharge its duties under the Act and rules and regulations framed under the Act. The applicant, in terms of Section 40 of the Act has to ensure an efficient,



co-ordinated and economical inter-State transmission system. With specific reference to Bhaba-Kotla stretch, we need to draw attention to the following observations made in the order dated 17.8. 2007:

“Right-of-way constraint envisaged by CEA for 18 km route between Bhava and Kotla for 220 kV line to be constructed by HPSEB can be taken care of by doing detailed survey before deciding on the issue of multi-circuit towers vis-à-vis separate towers as suggested by CEA”

13. Learned counsel also sought direction to the applicant to sort out contractual/ commercial arrangement with regard to LILO of 400 kV D/C Baspa-Jhakri line with HPSEB and the State Govt. of HP, without elaborating on the matter further. It is sufficient for us to say that the applicant as a transmission licensee, shall take all steps and actions necessary for construction and execution of the inter-State transmission system for which the licence is being granted, in a co-ordinated and economical manner.

14. It was further submitted by the learned counsel for HPSEB that the arrangement and modalities for providing the remaining transmission system under the Master Plan for evacuation of power from Satluj basin projects, based on CEA's planning be worked out. We state that the Central Transmission Utility by virtue of its functions under Section 38 of the Act shall take the necessary steps as and when required.

15. Learned counsel for Brakel sought a direction to the petitioner to make available 1200 MW to 1400 MW of capacity of the transmission system to take care of the future projects, and to provide non-discriminatory open access. We make it clear that surplus capacity with the applicant shall be available for evacuation of power from the future projects. It has already been noted in our





order dated 17.8.2007 that the applicant has confirmed that it shall provide non-discriminatory open access to its transmission system.

16. On consideration of the material available on record, we direct that licence for transmission of electricity in favour of the applicant, Jaypee Powergrid Limited for the assets noted in para 1 above be issued. The licence granted shall be subject to the terms and conditions as contained in the Act, the rules prescribed by the Central Government and the regulations specified by the Commission from time to time, including statutory amendment and re-enactment thereof and the Commission's order dated 17.8.2007, which is the basis for the proceedings taken by the Commission after framing of *prima-facie* opinion to grant licence. The licence shall be granted subject to the applicant's depositing the initial licence fee of Rs. One lakh within 30 days of this order. The payment of licence fee during the validity of the licence shall be regulated in terms of fee to be notified by the Commission separately by virtue of powers under sub-clause (g) of sub-section (1) of Section 79 of the Act. Till such time the fee is so notified by the Commission, the applicant shall pay licence fee of Rs.25 lakh per annum (1<sup>st</sup> April of a year to 31<sup>st</sup> March of the following year), the licence fee for a part of year shall be paid on pro rata basis. The first instalment of fee shall be deposited within 30 days of grant of the licence. The licence shall be valid for a period of 25 years, unless revoked earlier.

17. With the above directions, Petition No. 44/2007 stands disposed of.

Sd-/  
(R. KRISHNAMOORTHY)  
MEMBER  
New Delhi dated the 1st October, 2007

sd-/  
(BHANU BHUSHAN)  
MEMBER

