

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

Petition No. 795/2012

IN THE MATTER OF:

Petition filed by M/s South East U.P. Power Transmission Company Limited under section 14 of the Electricity Act, 2003 read with UPERC (General Conditions of Transmission License) Regulations, 2005 for grant of intra-State transmission license according to the provisions of the guidelines issued by the Central Government under section 63 of the Act for procurement of transmission service through tariff based competitive bidding.

AND

IN THE MATTER OF:

Petitioner:

M/s South East U.P. Power Transmission Company Limited
Shalimar Titanium, 601 – 602, 6th Floor,
Plot No. TC/G-1/1,
Vibhuti Khand, Gomti Nagar,
Lucknow - 226010

Respondent(s)

1. Paschimanchal Vidyut Vitran Nigam Ltd.
Urja Bhawan, Victoria Park,
Meerut - 250001
2. Dakshinanchal Vidyut Vitran Nigam Ltd.
Urja Bhawan, NH-2 (Agra-Delhi Bypass Road), Sikandra,
Agra - 282002
3. Purvanchal Vidyut Vitran Nigam Ltd.
DLW Bhikharipur,
Varanasi - 221004
4. Madhyanchal Vidyut Vitran Nigam Ltd.
4-A Gokhale Marg,
Lucknow – 226001

5. U.P. Power Transmission Ltd.
7th Floor Shakti Bhawan
Ashok Marg
Lucknow

The following were present:

1. Sri Anand K Ganesan, Advocate, SEUPPTCL
2. Sri Alfonso PB, Director, SEUPPTCL
3. Sri S.K. Bhattacharya, Director, SEUPPTCL
4. Sri Ravinder Singh, CGM, SEUPPTCL
5. Sri R.L. Singh, GM, SEUPPTCL
6. Sri V.M. Singh, DGM, SEUPPTCL
7. Sri S.S. Mehta, Consultant, SEUPPTCL
8. Sri S.K. Garg, Director(W &P), UPPTCL
9. Sri P.K. Sharma, CE, UPPTCL
10. Sri D.C. Chaudhry, S.E, UPPTCL
11. Shri Vineet Kumar, Executive Engineer, UPPTCL
12. Shri Sudhansu Drivedi, Director, Finance, PuVVNL
13. Shri A. K. Verma, Director, Commercial, PVVNL
14. Shri T. R. Gupta, Chief Engineer Administration, DVVNL
15. Shri A. K. Singh, Executive Engineer, Commercial, MVVNL
16. Shri Ravindra Kumar, MVVNL

Order

(Date of Hearing : 10.04.2013)

1. The applicant, M/s South East UP Power Transmission Company Ltd. Has filed this petition under section 14 of Electricity Act, 2003 (the Act) and section 3.2 of UPERC (General Conditions of Transmission Licensee) Regulations, 2005 (the Regulations) for grant of intra-stat transmission license to undertake the business of establishing, commissioning, operation & maintenance of the following

transmission lines (hereinafter referred to as "Transmission System") on Build, own, operate & maintain' basis.

The components of the transmission system have been mentioned in draft license annexed with the petition as below:

Transmission lines – Total Length: 1508 Kms (approx.)

765 kV S/C Transmission Lines (Kms) (approx.)

- (i) 765 kV SC Mainpuri-Bara with Quad Bersimis – 362 Kms;
- (ii) 765 kV SC Mainpuri-Bara with Quad Bersimis – 362 Kms;
- (iii) 765 kV SC Mainpuri-Unnao with Quad Bersimis – 192 Kms;

400 kV D/C (Quad Moose) Transmission Lines (Kms) (approx.)

- (iv) 400 kV DC (Quad Moose) Mainpuri(765kV)-Aligarh – 93 Kms;
- (v) 400 kV DC (Quad Moose) Gonda-Shahjahanpur – 220 Kms;
- (vi) 400 kV DC (Quad Moose) Tanda-Gonda – 95 Kms;
- (vii) 400 kV DC (Quad Moose) Rewa Road-Karchhana – 29.2 Kms;
- (viii) 400 kV DC (Quad Moose) Rewa Road-Meja – 33.5 Kms;
- (ix) 400 kV DC (Quad Moose) Bara-Meja – 29.2 Kms;
- (x) 400 kV DC (Quad Moose) Bara- Karchhna – 39.5 Kms;

400 kV D/C (Twin Moose) LILO Transmission Lines (Kms) (approx.)

- (xi) (a) LILO of both circuits of 400 kV DC Orai-Mainpuri (PG) at Mainpuri (765kV) with Twin Moose – 43.3 Kms;
- (b) LILO of 400 kV Sarojininagar-Kursi Road (PG) at 400 kV Sultanpur Road with Twin Moose – 6.5 Kms;
- (c) LILO of 400 kV Panki-Obra at 400 kV Rewa Road with Twin Moose – 0.8 Kms;
- (d) LILO of 400 kV Obra-Sultanpur at 400 kV Aurai with Twin Moose – 1.2 Kms.

EHV Substation Bays

- (i) 765/400 kV Mainpuri (AIS) – 2X1000 MVA, 765/400 kV;
- (ii) 400/220 kV Rewa Road (GIS) – 2X315 MVA, 400/220 kV;

- (iii) 400/220/132 kV Gonda (AIS) – 2X315 MVA, 400/220 kV, 2X100 MVA, 220/132 kV;
- (iv) 400/220/132 kV Sultanpur Road, Lucknow (GIS) – 2X500 MVA, 400/220 kV, 2X160 MVA, 220/132 kV;
- (v) 400/220/132 kV Aurai (AIS) – 2X315 MVA, 400/220 kV, 2X160 MVA, 220/132 kV.

2. The applicant has submitted that the Central Government in exercise of power under section 63 of the Act has notified the “ Tariff based competitive bidding guidelines for transmission service” (hereinafter referred to as “the Guidelines”) vide Government of India, Ministry of power, Resolution no. 11/5/2005-PG(I&II) dated 17th April, 2006 and as amended on 4th July, 2007. Subsequent to it the Ministry of Power, issued Standard Bid Documents (hereinafter referred to as the “SBD”) comprising of “Standard Request for Qualification (RFQ)” and “ Standard Request for Proposal (RFP)”. Amendments to these documents were issued by MOP/GOI on 18th September, 2008. Similarly, standard RFP and Transmission Service Agreement (TSA) documents were issued on 29th June, 2008 and 7th May, 2006.
3. The Government of Uttar Pradesh (hereinafter referred to as the “GoUP”) constituted an Energy Task Force, which in its meeting held on 7th August, 2009 authorised UP Power Transmission Corporation Ltd. (hereinafter referred to as the “UPPTCL”) to be the Bid Process Co- coordinator (hereinafter referred to as the “BPC”) for the purpose of selection of transmission service provider (hereinafter referred to as “TSP”) to establish transmission system titled “765 KV S/C Mainpuri Bara line with 765/400 KV AIS at Mainpuri (hereinafter referred to as project) & associated scheme/work” through tariff based competitive process on Build, Own, Operate & Maintain and Transfer (BOOT) basis. The schedule commercial operation date (COD) for overall projects is 30 months from the date of award of work i.e. issue of Letter of Intent (LOI).

4. M/s South East UP Power Transmission Company Ltd. (hereinafter referred to as the “SEUPPTCL of “Applicant”) was incorporated under the Companies Act, 1956 by the BPC/UPPTCL as its wholly owned subsidiary to initiate the activities of the project and subsequently act as TSP after being acquired by the successful bidder.
5. Subsequent to process of competitive bidding carried out in accordance with the guidelines by BPC, M/s Isolux Corsan Concesiones SA were evaluated as successful bidder and the LOI in this regard was issued on 05.07.2011. Subsequently, the applicant signed the share purchase agreement and was acquired by M/s Isolux Corsan Concesiones and the TSA was signed on 20.01.2012
6. The Present Petition has been filed by SEUPPTCL as TSP, for grant of Intra State Transmission License. In accordance with the Regulations SEUPPTCL forwarded copy of complete application with enclosures to all the long turn transmission customers (LTTC)/STU as defined under TSA.

In pursuance to Commission's order dated 22.03.12 and 14.3.2013, UP Power Transmission Corporation Ltd who invited the bids for the transmission services was added as the fifth respondent to the Petition in addition to four Respondent distribution licensees,. In reference to Commission's order dated 14.3.2013 the Petitioner M/s SEUPPTCL and Respondent UPPTCL, were directed to make their submissions. Both Petitioner and Respondents made their submissions to the Commission. During the hearing held on 10.04.2013 the distribution licensees submitted that SEUPPTCL has not given a copy of all their submissions made in UPERC. After being asked by the Commission whether the SEUPPTCL have given the copy of their submissions to the Distribution Licensees, SEUPPTCL replied in negative. Commission directed the petitioner to provide the soft as well as hard copy of their submissions to all the respondents within two days and submit the proof of delivery to the commission. Commission further directed the

respondents to submit the reply to the commission within one week of receiving the submissions otherwise it shall be assumed that they have nothing to say.

7. The Commission in its order dated 14.3.2013 observed that M/S SEUPPTCL has not submitted certain documents / reply. The status of these is enumerated as below:-

7.1 List of all the local authorities vested with the administration of any portion in the proposed Area of License.

SEUPPTCL vide their reply submitted on 22.3.2013 through affidavit the list of local authorities vested with administration of any portion in the proposed area of license.

7.2 Names of the Directors of the company.

SEUPPTCL vide their reply submitted on 22.3.2013 through affidavit the Names of the Directors of the company.

7.3 The application for grant of license, along with annexure and enclosures thereto, on a compact disc (CD).

SEUPPTCL submitted the CD containing the license petition alongwith the amendment on affidavit on 22.3.2013.

7.4 No objection of the Central Government to the grant of license for an area including the whole or any part of any cantonment, aerodrome, fortress, arsenal, dockyard or camp or of any building or place in the occupation of the Government for defense purposes

The petitioner submitted on the affidavit on 22.3.2013:-

- *That, in pursuance to Section 15(2)(ii) of Electricity Act, 2003 and section 3.7.3 of UPERC(General Conditions of Transmission License) Regulations, 2005, the applicant is required to submit a "No Objection" from the concerned authority of the Central Government **if its** system is likely to affect any cantonment, aerodrome, arsenal, dockyard or camp/building/place in the occupation of Government for and/or in connection with defense purposes.*

- *That, the works of construction, operation and maintenance of the transmission lines for 765kV S/C Mainpuri-Bara Line with 765KV/400 AIS at Mainpuri and Associated Schemes/ Works in the State of Uttar Pradesh as undertaken by it, has no effect in present and is not likely to have in future any effect on any cantonment, aerodrome, arsenal, dockyard or camp/building/place in the occupation of Government for and/or in connection with defense purposes.*
- *That, in view of the above, the NOC from any concerned department of the central government is not required and the applicant as such is not required to submit a "No Objection" from any authority of Central Government.*

The Commission directs that SEUPPTCL shall be responsible in case if any objection is raised by the defense department at a later date in this regard.

7.5 The recommendation of selection by the Bid Evaluation Committee.

SEUPPTCL in their reply, submitted on 22.3.2013 through affidavit, stated that the Bid Process Coordinator was UPPTCL and the Petitioner was only the Special Purpose Vehicle. After the bidding process, the shareholding of the Petitioner was taken over by the successful bidder. Neither the Petitioner nor the successful bidder are privy to the bidding process documents or to make compliance with the bidding process documents being made available.

According to the Bidding Guidelines, the onus of obtaining the recommendation of selection by the Bid Evaluation Committee lies on the UPPTCL and the distribution licensees and not on the Petitioner or the successful bidder. The evaluation of the bids were done by the UPPTCL and the distribution licensees, the Evaluation Committee was set up by them and in the circumstances it cannot be for the Petitioner to produce the necessary documents.

7.6 TSA and RFP documents with the petition has not been submitted so that the Commission could ascertain the conductors to be used by the Petitioner. The petitioner submitted the copy of the Executed TSA between the applicant & LTTC and RFP documents.

The Commission directs the petitioner to use the conductor as mentioned in the RFP and TSA documents.

7.7 The comments or reply or objections or acceptance on the contents of the recommendations made by STU on affidavit.

UPPTCL, vide their letter no. 492 dated 19.04.12, pointed out that certain statements made in application of SEUPPTCL, are the deviations from RFP and TSA. They also informed that the Commission vide their order dated 19.03.12 in petition no. 782/2012 filed by M/s Western U.P. Power Transmission Company Ltd did not approve the amendments sought by the company in respect of use of AAAC in place of ACSR Conductor against package-2 of the same project.

SEUPPTCL in response to the queries/discrepancies raised by M/s. U. P. Power Transmission Corporation Limited ("UPPTCL") in relation to the application vide their letter dated 19th April, 2012 Ref. No.: 492/ESD-765kV/PPP/4/Isolux/vol-1, submitted as below:

- (a) That the Contract for Package-I on boot basis has been awarded by UPPTCL to M/s. Isolux Corsan Concesiones S.A. vide its letter dated 5th July, 2011 Ref. No.1614/ESD-765kV/PPP/4 and not to Isolux Corsan Concesiones and its JV Partner C&C, whose names were mentioned as such inadvertently.*
- (b) That the correct rating of 400/220/132kV Aurai Substation is 2×315 MVA, 400/220kV, 2×160MVA, 220/132kV which was inadvertently mentioned in the Application as 2×315 MVA, 400/220kV, 2×100MVA, 220/132kV, and was*

sought to be corrected by the Applicant vide its letter dated 17th April, 2012 submitted with your good office on 18th April, 2012.

(c) That the lightning impulse withstand voltage for 765kV transformer & reactor has been made to 2100 KVp , and 2550 KVp for Bushings as against required 2100 KVp for 765 KV Transformers & Reactors and 2400 KVp for Bushings in RFP .

(d) That we will develop the project in accordance with the RFQ, RFP and TSA provisions .

That there was a corridor constraint near Bara power plant which has now been sorted out and we shall be constructing the 765 Kv line as per the RFQ ,RFP and TSA provisions.

7.8 Comments or reply on the objections received by the petitioner in respect to publication of notice in the newspaper.

SEUPPTCL on the affidavit has submitted that no comments/suggestion/demand etc. has been received from any individual/authority/any other entity within stipulated time in response to notice published.

7.9 The Commission, vide their order dated 22.03.12, made following directions to the Petitioner to –

(a) publish a notice under section 15(2) of the Act in accordance with the requirements laid down under section 3.7.1 and 3.7.2 of General Condition of License (GCL) in two Hindi and two English national newspaper with the following words super scribed in bold at the top of notice, “In the matter of

application by M/s South East UP Power Transmission Company Ltd. for Intra-State Transmission License within Uttar Pradesh”.

In accordance with section 15(2)(i) of the Act, the notice should invite comments/suggestions from the public within 30 days from the date of its publication. Notice should indicate/mention -

- that suggestions and objections, if any, may be filed before Secretary, UPERC;
- the website address where the complete application is available for the purpose of inspection by any one;
- that the application is available at its head office as well as in the library of the Commission.

It should also be mentioned in the notice that the complete application is available at its head office as well as in the library of the Hon'ble Commission .

The notice published by the petitioner is not in conformity with the directions of the Commission contained in its order dated 22.03.2012 and GCL.

SEUPPTCL submitted through affidavit:

That the Petitioner vide commission's order dated 22.03.12 was asked to publish the notice in the newspapers which the petitioner complied as per following

- *Published the notice in two Hindi and two English new papers dated 29.03.12 with superscription as per the order of the Hon'ble Commission-*
- *Invited suggestions from the public giving 30 days time as per Hon'ble Commission's order.*
- *It was indicated that suggestions and objections if any be filed before the Secretary UPERC. The notice clearly indicated the website address where complete application was available.*
- *The notice also mentioned that the complete application is available at its head office as well as in library of the Commission.*

- *In the circumstances, it is respectfully submitted that the Petitioner has in letter and spirit complied with the order of the Hon'ble Commission and the publication has been correctly carried out by the Petitioner. Copy of commission order and our publications are attached.*

7.10 The Petitioner was required by the Commission vide its letter dated 2.5.2012 to publish a public notice to issue corrigendum of certain errors made in the notices published by it. The Petitioner did not comply with the direction instead preferred to file an affidavit dated 09.05.12 stating that the publication of corrigendum is not needed. It was not justified on part of the Petitioner to decide its own case without complying with the direction of the Commission. It is held that the Petitioner did not act in accordance with the order of the Commission.

SEUPPTCL stated that when the petition was filed before the Hon'ble Commission, some inadvertent mistakes were found. These were the typographical errors in the petition and were corrected on 17.4.2012 and these corrections were incorporated by the petitioner in the publication made on 29.3.2012 as required by the Commission vide its letter dated 2.5.2012.

It is in these circumstances that the Petitioner stated that there was no requirement for a corrigendum to be published. The applicant has complied with the directions of the Hon'ble Commission and the correct petition was already published. It is respectfully stated that the applicant cannot and has not sat over the directions of the Hon'ble Commission, but has duly complied with the directions. It is not the case of the Petitioner deciding not to publish the correct notice as alleged by the Objectors, but the Petitioner has actually published the correct notice. There is no allegation that the publication carried out has any mistake in it.

7.11 The petitioner to comply with the provisions of bidding documents and TSA.

The petitioner submitted that The Hon'ble Commission has observed that the Petitioner is required to act in compliance with the provisions of the bidding documents and the TSA. It is an admitted position that the Petitioner is required to comply with the provisions of the bidding documents and the TSA. The petitioner confirms that the project will be developed in accordance to RFQ, RFP and TSA

- 7.12 The petitioner was directed to furnish information in regard to Form I of the UPERC (General Conditions of Transmission License) Regulations 2005 regarding sl. No. 12,13, 14,15 & 19.

The Petitioner submits that these information are not possible to be given in the present case in view of the Petitioner being a Special Purpose Vehicle formed by UPPTCL prior to the bidding process. The Company was not in existence till FY 2010. In order to provide the widest information possible the Company has submitted the audited accounts of the last three years 2009-10, 2010 -11 and 2011-12.

In this regard, Serial No. 12 and 13 of the Form I provides for the Net Worth and Annual Turnover of the Petitioner for the past 5 financial years. This information does not arise in the present case as the Petitioner was not in existence for a period of five years and is only a Special Purpose Vehicle without any separate activity or net worth or annual turnover on its own. These will be there only when the Petitioner begins the transmission activity. The Company was not in existence till FY 2010.

Similarly Serial No. 14 and 15 will not arise. Serial No. 14 deals with Credit Rating which does not arise as the Petitioner does not have any previous net worth or turnover. Serial No. 15 dealing with 'Standard' Borrower Account also does not arise as the Petitioner has not started its business activity of transmission of electricity and did not have any previous business activity.

Serial No. 19 does not arise as the Petitioner is not proposing to tie up with any other Agency for equity participation.

- 8 The Commission in its order dated 14.3.2013 observed that UPPTCL as BPC has not submitted

A. The recommendations of selection of the Bid Evaluation Committee.

Director Works & Project, UPPTCL vide letter no. 241/ESD-765KV/PPP/4/Isolux/Vol-3 dated 10.4.2013 submitted the recommendation of the selection of the Bid Evaluation Committee which is reproduced below:

“Certificate of Bid Evaluation Committee

Subject: Selection of bidder as transmission service provider to establish the transmission system for 765kV S/C Mainpuri- Bara line with 765kV/400 kV AIS at Mainpuri & Associated schemes/ work through Tariff based Competitive bidding process under PPP Package-1.

The Bid Evaluation Committee constituted by Secretary (Energy) U.P. Govt. vide O.M no. 493/24 – ऊ०नि०नि०प्र० / ०९–२९(प्रकोष्ठ) / ०९ dated 07.09.2009 had completed the bid evaluation for the transmission project under PPP Package-1 in the last meeting held on dated 30.03.2011. In terms of Clause 12.4 of Tariff based Competitive-bidding Guidelines for Transmission Service it is hereby certified that:

- a. M/s Isolux Corsan Concesions S.A has emerged as successful bidder with the lowest levelised tariff of Rs 870 crores per annum for the above project as per Bid Evaluation Committee minutes of meeting dated 30.03.2011 enclosed at Annexure-1.
- b. The rates quoted by successful bidder are in line with the prevalent market prices.
- c. The entire bid process has been carried out in accordance with the “Tariff based Competitive bidding Guidelines for Transmission Service” and “Guidelines for encouraging competition in development of the

transmission projects” issued by ministry of power, Govt. of India under section 63 of Electricity Act, 2003 and as amended from time to time.

CMD, UPPTCL submitted an affidavit about the constitution of the Bid Evaluation Committee issued vide Office Memorandum No. 493/24-

ऊ०नि०नि०प्र०/०९-२९(प्रकोष्ठ)/०९ लखनऊ dated 7.9.2009 as follows:

- i. Infrastructure and Industrial Development Commissioner Chairman Bid Evaluation Committee.
- ii. Principal Secretary, Law, Government of U.P. ----- Member
- iii. Principal Secretary, Finance, Government of U.P or his Nominee. ----
- Member
- iv. Principal Secretary, Planning, Government of U.P. ----- Member
- v. Secretary, Energy, Government of U.P. ----- Member
- vi. Chairman, UPPTCL----- Member
- vii. MD, UPPTCL----- Member Convener
- viii. Member Central Electricity Authority or his Nominee. ----- Member
- ix. Director, Finance, UPPCL----- Member
- x. Executive Director, Transmission, UPPTCL Member / Co convener”

Commission finds that out of the ten members of the Bid Evaluation Committee nine members have signed the certificate and one member has retired. The Commission accepts the recommendation of the selection by the Bid Evaluation Committee.

Shri Awdesb Kumar Verma and Shri Rama Sankar Awasthi (Objecters) raised the issue that license should not be issued to M/s SEUPPTCL in view of the fact that recommendation of bid evaluation committee has not been given by the UPPTCL. They also raised the issue of use of ACSR conductor in construction of line in accordance with the provision made in RFP and TSA.

UPPTCL have submitted the certificate of BEC and SEUPPTCL have submitted on Affidavit that they shall develop the project in accordance the provision made in RFP and TSA document.

In view of above the Commission finds that the issues have been set at rest.

- B. Shri Khalil Ahmed, Journalist raised the issue that LOI has been issued to M/s Isolux Corsan Concessionnaires whereas last para of page 7 states that “.... Isolux Corsan Concessionnaire and its JV partner C & C have bagged the contract for package-1”.

The Commission directed the Respondents distribution licensees to reply to objections of Sri Ahmed within two weeks from the date of this order supported with relevant documents prepared for the bid process and those made after conclusion of the bids.

Director, Works & Project, UPPTCL submitted that transmission works under PPP Package – 1 have been awarded to M/s Isolux Corsan Concessionnaires S.A at a levelized tariff of Rs. 870 crore according to bidding provision, by Secretary (Energy) U.P. Govt. vide letter no. 452/24 ऊ०नि०प्र०/11-48(प्रकोष्ठ)/09 dated 26.05.2011 (Annexure-I) and subsequently LOI has been issued to them vide letter no. 1614/ESD-765kV/PPP/4 dated 05.07.2011.

SEUPPTCL mentioned at last para on page-7 of detailed project report enclosed with petition is an inadvertent mistake has been admitted by M/s Isolux Corsan vide letter no. SEUPPTCL/UPPTCL/BOOT/2012-13/I(A 2011-12/9) dated 09.05.2012 (Annexure-2) addressed to Secretary, UPERC & copy to MD, UPPTCL. They have admitted that “Contract for package-1 on boot basis has been awarded by UPPTCL to M/s Isolux Corsan

Concessionaires S.A vide its letter dated 5th July, 2011 Ref. No. 1614/ESD-765kV/PPP/4 and not to Isolux Corsan Concessionaires and its JV partner C&C, whose names were mentioned as such inadvertently.

The Commission is satisfied by the submission made by the applicant and UPPTCL.

9. Commission enquired UPPTCL if they have any objections in regard to grant of license to SEUPPTCL? UPPTCL replied that now they have no objection in regard to issue of license to SEUPPTCL. The Long Term Transmission Customers (LTTTC) have not made any submission regarding the issue of grant of license therefore it is presumed that they have no objection in grant of license to M/s SEUPPTCL. In view of above the Commission finds that there is no impediment in the grant of transmission license to M/s UPPTCL.

The Commission is accordingly satisfied that the applicant fulfills the requirement of the Act & regulations for grant of intra state transmission license for the transmission system mentioned above. Accordingly, we direct that a transmission license be granted to SEUPPTCL to undertake the business of establishing, commissioning, operation & maintenance of the transmission systems as per the details given on page 3 & 4 above.

10. 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 on the subject;

- (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 of 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.

Petition no. 795 of 2012 is disposed off in the terms of the above. We direct that copies of this order be endorsed to all long terms transmission customers of the transmission system as well as to STU.

(Meenakshi Singh)
Member
Place: Lucknow
Dated: 29.04.2013

(Shree Ram)
Member