



**THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION  
LUCKNOW**

**Petition No. 2105 of 2024**

**QUORUM**

Hon'ble Shri Arvind Kumar, Chairman

Hon'ble Shri Sanjay Kumar Singh, Member

**IN THE MATTER OF**

Application under Section 63 read with Section 86(1)(a) & (c) of the Electricity Act, 2003 for adoption of Transmission Charges with respect to the Transmission System being established by Tirwa Transmission Ltd.

**AND**

**IN THE MATTER OF**

**Tirwa Transmission Ltd.**

2<sup>nd</sup> Floor, Niryat Bhawan, Rao Tularam Marg, Vasant Vihar,

Opposite Army Hospital & Referral, New Delhi – 110 057

Through its Authorized Representative

..... Petitioner

**VERSUS**

**1. PFC Consulting Limited**

1<sup>st</sup> Floor, URJANIDHI, 1, Barakhamba Lane,

Connaught Place, New Delhi-110001

Trough its General Manager

**2. Uttar Pradesh Power Corporation Limited**

Shakti Bhawan 14 Ashok Marg, Lucknow-226001, U.P.

Through its Chairman

**3. Dakshinanchal Vidyut Vitran Nigam Limited**

Urja Bhawan, NH-2 (Agra-Delhi Bypass Road), Sikandra,

by -





Agra-282007, U.P.

Through its Managing Director

**4. Kanpur Electricity Supply Company Limited**

Headquarters, Kesa House, 14/71 Civil Lines,

Kanpur-209601, U.P.

Through its Managing Director

**5. Uttar Pradesh Power Transmission Corporation Limited**

Shakti Bhawan 14 Ashok Marg, Lucknow-226001, U.P.

Through its Chairman

**6. Madhyanchal Vidyut Vitran Nigam Limited**

Head Office 4-A, Gokhale Marg, Lucknow- 226001, U.P.

Through its Managing Director

**7. Purvanchal Vidyut Vitran Nigam Limited**

Vidyut Nagar, Bhikaripur, P.O – DLW, Varanasi-221010, U.P.

Through its Managing Director

**8. Paschimanchal Vidyut Vitran Nigam Limited**

Urja Bhawan Victoria Park, Meerut- 250001, U.P.

Through its managing Director

..... Respondents

**THE FOLLOWING WAS PRESENT**

1. Ms. Abiha Zaidi, Advocate, TTL
2. Sh. Abhishek Kumar, Advocate, UPPCL & UP Discom's
3. Sh. Alok Dubeydi, GM, TTL
4. Sh. Deepak Raizada, CE, UPPCL
5. Sh. S.C. Joshi, SE, UPPCL
6. Sh. Rajiv Singh, EE, UPPCL
7. Sh. Nitin Srivastava, EA, PFCCCL
8. Sh. A.K. Prabhakar, EE, UPPTCL



by

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## ORDER

(DATE OF HEARING: 18.02.2025)

1. Ms. Abiha Zaidi, Counsel appeared on behalf of the Petitioner, submitted that the petition seeks adoption of Levelized Transmission Charges of INR 171.50 million, as discovered through a Transparent Competitive Bidding Process, for the Intra-State "Construction of 220/132/33 kV Tirwa (Kannauj) substation with associated lines and LILO of one circuit of 400 kV D/C (Twin Moose) Shamli-Aligarh line at THDC 2x660 MW Khurja Power Plant".
2. Mr. Abhisekh Kumar, Counsel appearing for the Respondent No. 03 to 06, submitted that the petition, after curing the defects, was duly served upon the Respondents on 04.02.2025, and in compliance with the timeline prescribed in the last Order dated 31.01.2025, the Respondents are filing their reply today. He further argued that the Respondents reserve their rights to respond on Force Majeure and other legal aspects.
3. He further submitted that the Commission vide Order dated 16.01.2025 had directed the Petitioner to furnish certain documents. However, the Petitioner/BPC has not served the Technical and Financial Bid Evaluation Report of the BEC. Additionally, justification regarding construction of 10 MVAR Capacitor Bank requires verification either by UPPTCL or by a qualified technical authority, as the justification cannot merely rely on the Transmission Service Agreement (TSA) or other records.
4. Ms. Abiha Zaidi submitted that all available documents in the Petitioner's possession have already been submitted. The remaining documents, as noted in the last Order dated 31.01.2025, are in the custody of the Bid Process Coordinator (BPC), and necessary email correspondence has been made with the BPC requesting submission of the same. It was further informed that the BPC has submitted the requisite documents on 17.02.2025 and as these documents have been classified as confidential in nature by BPC, therefore, it has been submitted before the Commission.

She further submitted that the that the Petitioner has already recorded in its affidavit that the construction of the bay for the 10MVAR Capacitor Bank was included in the Request for Proposal (RFP) but was not reflected in the TSA. However, since the system is inherently a part of the Transmission System

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Element and part of scope of work therefore, the Petitioner is not seeking any additional cost on account of the same.

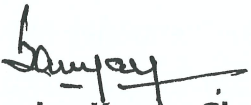
5. Mr. Abhisekh Kumar, Respondent Counsel, requested the Commission to record the statement made by the Petitioner's Counsel, affirming that no liability shall be passed on to the Respondents or any other beneficiary for the construction of the bay for the 10MVAR Capacitor Bank.
6. The Commission considered the submission made by the parties and directed Respondents to file their reply within two days and thereafter, the Petitioner may file its rejoinder, if any, within two days. Further, on the perusal of the RFP and TSA, it would be pertinent to mention the following definitions under TSA:

*"Bid documents/Bidding documents shall mean the RFP along with the attachments there to or clarification thereof."*

*"RFP Project Documents shall mean the following documents to be entered in to in respect of the Project, by the parties to the respective agreements:*

- a. *Transmission Service Agreement*
- b. *Share Purchase Agreement*
- c. *Any other agreement as may be required"*

7. From above, it is observed that the bidding documents consists of RFP which includes the TSA also, therefore, the RFP is the part of the bidding documents consisting of various terms and conditions including scope of work, on which bidding was conducted. Accordingly, the construction of the bay for the 10MVAR Capacitor Bank is in the scope of work under the RFP and the same is an integral part of bidding documents and needs to be reflected under TSA.
8. The matter is listed for hearing on 27.02.2024.

  
(Sanjay Kumar Singh)  
Member



  
(Arvind Kumar)  
Chairman

Place: Lucknow

Dated: 25 .02.2025