

# ***Draft JSERC (Procedure, Terms & conditions for the Grant of Transmission licensee and other related matters) Regulations, 2018***



**JHARKHAND STATE ELECTRICITY REGULATORY COMMISSION**

**CHAPTER I :**

**GENERAL**

**A1: SHORT TITLE, COMMENCEMENT AND EXTENT**

- 1.1 These Regulations shall be called the Jharkhand State Electricity Regulatory Commission (Procedure, Terms & conditions for the Grant of Transmission licensee) Regulations, 2018;
- 1.2 These Regulations shall come into force from the date of its publication in the Official Gazette of the Government of Jharkhand;
- 1.3 These Regulations shall extend to the entire state of Jharkhand;

**A2: DEFINITIONS AND INTERPRETATION**

- 2.1 In these Regulations, unless the context otherwise requires-
  - a) “**Act**” means the Electricity Act, 2003;
  - b) “**Adjudication**” means the process of arriving at decisions on Petitions submitted to the Commission;
  - c) “**Agreement**” means the agreement, contract, memorandum of understanding, or any other covenant on any aspect relating to the intra-state transmission of electricity, entered into between the licensee, the long-term customers and the State Transmission Utility or the deemed licensee;
  - d) “**Applicant**” means a person who has made an application for grant of licence or, for amendment of licence, as the case may be;
  - e) “**Application**” means the application made for grant of licence or, for amendment of licence, as the case may be, and includes annexures, enclosures to such application;
  - f) “**Bid Process Coordinator**” means an agency notified by the State Government for coordinating the process of inviting bids for procurement of services for intra-state transmission of electricity in accordance with the guidelines for competitive bidding;
  - g) “**Chairperson**” means the Chairperson of the Jharkhand State Electricity Regulatory Commission;
  - h) “**Commission**” means the Jharkhand State Electricity Regulatory Commission referred to in Section 82 of the Act;

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- i) **“Deemed Licensee”** means a person, who is deemed to be a licensee for intra-State transmission of electricity under any of the provisions to Section 14 of the Act;
- j) **“Empowered Committee”** means the Empowered Committee referred to in the guidelines for encouraging competition by MoP;
- k) **“Financial Year”** means a period of twelve months commencing on 1<sup>st</sup> April of a year and terminating on 31<sup>st</sup> March of the following year;
- l) **“Grid Code”** means the Indian Electricity Grid Code specified by the Commission under clause (h) of sub-section (1) of Section 86 of the Act;
- m) **“Guidelines for Competitive Bidding”** means the guidelines issued by the Central Government from time to time in terms of Section 63 of the Act for development of transmission projects;
- n) **“Guidelines For Encouraging Competition”** means the guidelines issued by the Central Government for encouraging competition in development of transmission service;
- o) **“Licence”** means a licence granted by the Commission under Section 14 of the Act to a person to undertake intra-state transmission of electricity;
- p) **“Licensee”** means a person who has been granted a licence, and includes a deemed licensee;
- q) **“Petition”** means and includes all petitions, applications, complaints, appeals, replies, rejoinders, supplemental pleadings, other papers and documents filed in relation thereto, and the word “Petitioner” shall be construed accordingly;
- r) **“Proceedings”** means and includes proceedings of all nature that the Commission may conduct in the discharge of its function under the Act;
- s) **“Project”** means an element or elements of the intra-state transmission system;
- t) **“Receiving Officer”** means an officer designated by the Commission to receive Petitions;
- u) **“Secretary”** means the Secretary of the Jharkhand State Electricity Regulatory Commission;
- v) **“Standards”** means the technical standards, safety requirements and grid standards specified by the Central Electricity Authority under Section 73 of the Act;
- w) **“State Transmission Utility”** means the State Transmission Utility notified by the State Government under sub-section (1) of Section 39 of the Act;

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- x) **“State Owned Or Controlled Company”** means a company in which not less than fifty one percent of the paid-up share capital is held or the majority of directors on whose Board are appointed, by the Central Government, or by any State Government or Governments, or by any Government company or companies, or by the Central Government and any State Government or Governments and any Government company or companies;
  - y) **“Transmission Charges”** means the transmission charges approved or adopted, as the case may be, by the Commission for the project;
- 2.2 The General Clauses Act, 1897 (10 of 1897), as amended from time to time, shall apply for the interpretation of these regulations as it applies for interpretation of an Act of Parliament.
- 2.3 Words or expressions used and not defined in these Regulations but defined in the Act or the Grid Code shall have the meanings respectively assigned to them in the Act or the Grid Code;

## **CHAPTER-II:**

**A3: PROCEEDINGS BEFORE THE COMMISSION**

3.1 All proceedings before the Commission under these regulations shall be governed by the JSERC (Conduct of Business) Regulations, 2016, including amendments and statutory re-enactments thereof.

**A4: ELIGIBILITY FOR THE GRANT OF LICENSE**

- 4.1 No person shall be eligible for grant of licence unless it is—
- a) selected through the process under the guidelines for competitive bidding, or
  - b) a state owned or controlled company identified as a project developer on or before 5.1.2011, or
  - c) a generating company which has established the dedicated transmission line, and intends to use such dedicated transmission line as the main transmission line and part of the intra-State transmission system.

**PROCEDURE FOR THE GRANT OF TRANSMISSION LICENSEE**

**A5: APPLICATION FOR THE GRANT OF LICENSE**

- 5.1 Any person intending to engage in the business of transmission of electricity in the State of Jharkhand shall make an application to the Commission for grant of licence in the form specified in Appendix-1 and in the manner directed by the Commission and accompanied by such fee as may be prescribed under JSERC (Conduct of Business) Regulations, 2016 and as amended from time to time.
- 5.2 In case of the person selected for implementation of the project in accordance with the guidelines for competitive bidding, the application shall also contain additional information, as may be required under these guidelines.
- 5.3 The fee shall be payable by Bank draft drawn in favour of Secretary/ Jharkhand state Electricity Regulatory Commission payable at Ranchi.
- 5.4 Any person intending to apply for licence shall duly comply with the conditions and requirements laid down by the Commission.
- 5.5 The Commission may, if it considers necessary, invite applications from the public fulfilling such eligibility requirements, as may be specified by the Commission from time to time for grant of licence for transmission of electricity by a public notice through issue of advertisements in newspapers always guaranteeing the principle of transparency.

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- 5.6 The application for grant of licence shall be signed by the applicant or by an authorised signatory on behalf of the applicant and shall be addressed to the Secretary of the Commission. The application shall be filed in six (6) sets accompanied by documents and particulars required to be provided as per the application form specified in Appendix – 1 to the Regulations.
- 5.7 The application for licence shall be supported by an affidavit of the person acquainted with the facts stated therein and duly notarised.
- 5.8 Before making an application, the applicant shall serve a copy of the application on each of the long-term customers of the project and shall submit evidence to that effect along with the application and shall also post the complete application along with annexures and enclosures on its web site, the particulars of which shall be given in the application.
- 5.9 The application shall be kept on the web site till such time the licence is issued or the application is rejected by the Commission.

### **A6: RECOMMENDATIONS OF THE STATE TRANSMISSION UTILITY**

- 6.1 The applicant shall immediately on making application in manner specified above, forward a copy of the application along with all the enclosures to the State Transmission Utility (herein after referred to as STU) for its recommendations.
- 6.2 The State Transmission Utility shall acknowledge receipt of the application and shall within thirty (30) days of the receipt of said application, send its recommendations, if any, to the Commission.
- 6.3 The State Transmission Utility shall whether it sends its recommendations or not, submit a report to the Commission on the following aspects within thirty days of receipt of copy of the application for grant of licence.
- a) Whether the assets mentioned in the application form for licence form part of Intra – State Transmission System.
  - b) Whether the assets mentioned in the application form part of the transmission plan;
  - c) Whether the completion schedule mentioned in the application is feasible, synchronizes with expansion of other parts;
  - d) Technical suitability of the assets;
  - e) Justifiability of the estimated cost of completion indicated in the application;

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- f) Any other relevant information the State Transmission Utility desire to convey to the Commission;
- 6.4 The recommendations, if any, and report by the State Transmission Utility shall be endorsed to the Applicant.
- 6.5 The Commission shall take into consideration the comments of the STU but the recommendations and the report of the STU shall not be binding on the Commission.

### **A7: PUBLIC NOTICE**

- 7.1 The Commission may, upon scrutiny of the application, require the applicant to furnish within a period to be specified, such additional information or particulars or documents as the Commission may consider it to be necessary for the purpose of considering the application.
- 7.2 If the Commission finds that the application is complete and accompanied by all requisite information, particulars and documents and is in compliance with all the requirements, the Secretary shall intimate applicant if application is ready for being considered for grant of licence, in accordance with the procedures provided in the Act and these Regulations.
- 7.3 The applicant shall, within fifteen (15) days after admittance of the application, publish a notice of its application in Appendix-II attached to these regulations, in at least two daily newspapers, one in English and one in Hindi, having wide circulation in the area of transmission of electricity for which the license is sought.
- 7.4 In the notice published in the newspapers under clause (7.3) it shall be indicated that the suggestions and objections, if any, on the application, may be filed before the Secretary, JSERC with the address as specified in JSERC (Conduct of Business Regulations), 2016 and as amended from time to time, with a copy to the applicant, by any person, including the long-term customers, within 30 days of publication of the notice.
- 7.5 The applicant shall within fifteen (15) days from the date of publication of the aforesaid notice submit to the Commission an affidavit with the details of the notice published along with copies of the relevant newspapers in which the notices have been published.
- 7.6 The applicant may file its comments, duly supported by an affidavit, on the recommendations made by the STU and the suggestions and objections, if any, received in response to the public notice published by him, within 45 days of service of copy of the application on the State Transmission Utility or publication of notices in the newspapers, with an advance copy to the State Transmission Utility or the person who has filed the suggestions and objections on the proposal made in the application as the case may be.

**A8: SERVICE OF NOTICE OF THE APPLICATION**

8.1 The Commission may direct that notice of the application be served on any designated representative of the Central Government, the State Government, any local authority or any other authority or person or body as the Commission may deem appropriate.

8.2 Any person who has made an application for grant of licence shall, within seven (7) days after admitting such application by the Commission, publish a notice of his application with such particulars and in such manner as may be specified and a licence shall not be granted –

(a) until the objections, if any, received by the Commission in response to publication of the application have been considered by it:

Provided that no objection shall be so considered unless it is received before the expiration of thirty (30) days from the date of the publication of such notice as aforesaid;

(b) until, in the case of an application for a licence 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 defence purposes, the Appropriate Commission has ascertained that there is no objection to the grant of the licence on the part of the Central Government.

**A9: HEARING AND LOCAL INQUIRY**

9.1 Upon compliance by the applicant of all the conditions pertaining to the submission of documents, obtaining of permissions and publication of the notice and upon the expiry of the time for filing of the objections is over, the Commission may consider the application through a hearing or without hearing as it considers appropriate.

9.2 If any person objects to the grant of licence applied for under the Act, the Commission may, if it considers necessary, cause a local inquiry to be held for which the notice in writing shall be given to the Applicant and the Objector and concerned parties, if any.

9.3 Where a local inquiry is ordered and held under clause (9.2) above, the Commission shall in its Order requiring the local inquiry or by further order in writing, specify the time within which the local inquiry is to be completed.

9.4 Provided that the Commission may, for reasons to be recorded in writing, extend the time fixed by it for the local enquiry, in case a local inquiry is ordered and conducted under clause (9.2) above, a memorandum of the result of the inquiry made shall be prepared and signed by the applicant, Objector, the Officer or person designated for the purpose and such other person as the Commission may direct.

9.5 The result of the local enquiry shall be considered by the Commission while hearing the application for grant of Licence.



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- 9.6 The Commission on deciding to follow a public hearing shall give notice of hearing intimating the name of person filing objection, place, date and time of hearing to the applicant, the Central Government, the State Government, the local authority and such other authority, person or body as the Commission considers appropriate.

### **A10: GRANT OF TRANSMISSION LICENSE**

- 10.1 Before granting a licence under section 14 of the Act, the Commission shall publish a notice in two daily newspapers one in English and other in Hindi language having wide circulation in the area for which licence is sought, stating the name and address of the person to whom it proposes to issue the licence;
- 10.2 After hearing, under clause (9.2) of these regulations, the Commission may decide to grant or refuse to grant licence and if it decides to grant licence, it may do so on general terms and conditions and with such modifications to the general conditions and on such specific conditions as the Commission may decide.

Provided that the Commission in no event shall reject an application without giving applicant an opportunity of being heard, either by requiring the applicant to file response in writing or by conducting an oral hearing.

- 10.3 When Commission has approved grant of transmission licence, the applicant shall be informed of such approval and also the conditions to be satisfied by the applicant including the initial and annual licence fees to be paid by the applicant for grant of the licence. The licence shall be in the form specified in Appendix –III of these Regulations.

Provided that the Commission may add or alter or amend the form specified for a licence as it may at its discretion, deem necessary.

- 10.4 On receiving an intimation in writing from the applicant that he is willing to accept a licence on the terms approved by the Commission and after the applicant satisfies the conditions imposed for grant of the licence, the Commission may direct the applicant to publish licence or such part thereof in abridged form as the Commission considers to be appropriate.
- 10.5 The Commission may issue a licence for intra-state Transmission of electricity on being satisfied that the Applicant qualifies for issue of such licence under the provisions of the Act, rules and regulations for the time being in force.
- 10.6 The Commission shall after issue of a licence, forward a copy of the licence to the Government of Jharkhand, State Transmission Utility, Central Electricity Authority, local authority, and to such other person/body as the Commission considers necessary.

### **A11: DATE OF COMMENCEMENT AND DURATION OF LICENSEE**

- 11.1 The licence shall commence from the date which the Commission may direct for its enforcement,

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11.2 The licence shall be in force for a period of twenty five years, from the date of commencement unless it is revoked by the Commission.

### **A12: DEPOSIT OF MAPS, PROFORMA, COPY OF LICENSE**

12.1 When a licence has been granted, four (4) sets of maps and proforma containing the particulars specified in clause (12.2) below shall be signed and dated to correspond with the date of the notification of the grant of the licence.

12.2 The particulars to be given in the proforma under clause (12.1) above shall be as under:

- a) A short title descriptive of the proposed utility together with the address and description of the applicant, and if the applicant is a company, the names of all the Directors of the company;
- b) Type of licence granted;
- c) Location of the proposed area of operation;
- d) A description of the proposed area of operation; and
- e) The general conditions, the deviation therefrom and also the specific conditions, if any, which the Commission has laid down in the licence with justification for any deviation granted from general conditions;

12.3 While Two sets of such maps and proforma shall be deposited with the Commission, one set each shall be deposited with STU and transmission licensee after due attestation by the Secretary or an officer authorised by the Secretary in this behalf.

12.4 The licensee, whenever required by the Commission shall furnish maps and proforma in an electronic form.

12.5 Every person who is granted a licence shall within thirty (30) days of the grant thereof arrange to keep the following as specified by Central Electricity Authority.

- a) Adequate number of copies of the licence printed;
- b) Adequate number of maps prepared showing the area of activity or area of supply as specified in the licence;
- c) A copy of such licence and maps for public inspection at all reasonable times at his head office, at his local offices (if any) and at the office of every local authority within the area of activity or area of supply as the case may be.

- 12.6 Every such licensee shall, within the aforesaid period of thirty (30) days, supply free of charge one copy of the licence and the relevant maps to every local authority within the area of activity or area of supply as the case may be, and shall also make necessary arrangements for the sale of printed copies of the licence to all persons applying for the same, at a price not exceeding normal photocopying charges thereof.

### **CHAPTER III:** **TRANSMISSION CHARGES**

#### **A13: DETERMINATION OF TRANSMISSION CHARGES**

- 13.1 In case the licensee has been selected for implementation of the project in accordance with the guidelines for competitive bidding, the transmission charges shall be adopted by the Commission in accordance with Section 63 of the Act.
- 13.2 In all other cases, the transmission charges, incentive, or disincentive and other charges shall be determined in accordance with the terms and conditions for determination of tariff specified by the Commission under Section 61 of the Act and in force from time to time.

#### **A14: IMPACT OF CHANGE OF LAW ON TRANSMISSION CHARGES**

- 14.1 In case the licensee has been selected for development of the project in accordance with the guidelines for competitive bidding, impact of change of law on the transmission charges shall be subject to the provisions made in the agreements.

### **CHAPTER IV:** **TERMS AND CONDITIONS OF LICENCE**

#### **A15: OBLIGATIONS OF LICENSEE**

- 15.1 The licensee shall, during the validity of the licence, maintain insurance in accordance with prudent utility practices or as may be necessary under-
- a) Any of the agreements; and
  - b) the laws in force in India:

Provided that the licensee may opt for self-insurance.

- 15.2 The licensee shall build the project in a time-bound, efficient, coordinated and economical manner.

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15.3 The licensee shall, establish, operate and maintain the project in accordance with the prudent utility practices and the agreements.

15.4 The licensee shall comply with such directions of the State Load Despatch Centre under section 31 of the Act, or the Regional Load Despatch Centre under sub-section (3) of section 28 or sub-section (1) of section 29 thereof, as may be issued from time to time for maintaining the availability of the project:

Provided that without prejudice to any other action which may be taken against the licensee under any other law for the time being in force, the Commission, on an application made by the State Load Despatch Centre or the Regional Load Despatch Centre and after hearing the licensee, on being satisfied that the licensee has failed to maintain the availability of the transmission system may issue such directions to the State Load Despatch Centre or the Regional Load Despatch Centre to take control of the operations of the transmission system of such licensee for such period and on such terms, as the Commission may decide.

15.5 The licensee shall strictly comply with all laws in force and, in particular, the Act, the rules and regulations framed pursuant to the Act, the Grid Code, the standards, Orders and directions issued by the Commission.

15.6 The 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 JSERC (Intra-state open access regulations) 2016, as amended from time to time.

15.7 On application made for grant of a connection by any person intending to use the Transmission System, the Transmission Licensee shall offer to enter into an agreement with such Person for connection to the Transmission System or for modification of such an existing connection and such offer shall make provision for:

- a) carrying out of works necessary to make the required connection, including the installation of meters;
- b) the connection charges to be paid as directed by the Commission ; and
- c) the completion date and such other terms as are relevant to the circumstances.

15.8 The Transmission Licensee shall offer terms for agreements as soon as practicable to the intended users of the transmission system. The Transmission Licensee shall not be obliged to offer to enter into any agreement if,

- a) adequate transmission capacity is not available in the transmission system,
- b) provided that the existence or absence of such available capacity shall be determined by the STU and in case of any dispute pertaining to the determination of the same the decision of the Commission shall be final; or

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- c) it is likely to result in breach of its duties under the Applicable Legal Framework; or
  - d) it is likely to result in breach of any rules or regulations or codes or standards applicable to the Transmission Business.
  - e) the Person making the application does not undertake to comply with the applicable legal framework or regulations or codes or standards related to Transmission Business to the extent applicable to that Person; or
  - f) the person making the application does not agree to pay the applicable charges, surcharges, adjustment for losses of electricity in the Transmission Systems as determined by the Commission.
- 15.9 The licensee shall pay the licence fee in accordance with the JSERC (Conduct of Business) Regulations, 2016 or such other regulations as may be in force from time to time.
- 15.10 Wherever prior approval of the Commission is required, the licensee shall make an appropriate application before the Commission in accordance with JSERC (Conduct of Business) Regulations, 2016 as amended from time to time including statutory re-enactment thereof.
- 15.11 The Transmission Licensee shall maintain up-to-date records of its customers and the transactions undertaken by it with other parties and shall provide the same to the Commission as and when it is required to do so;
- 15.12 The Transmission Licensee shall prepare and submit to the Commission on an annual basis, a statement showing in respect of each of the 5 succeeding financial years forecasts of circuit capacity, power flows and loading on the Transmission System under standard planning criteria, together with:
- a) such further information as shall be reasonably necessary to enable any Person seeking use of System to identify and evaluate the opportunities available when connecting to and making use of such system; and
  - b) a statement prepared by the Transmission Licensee indicating its views as to those parts of its Transmission System most suited to new connections and transport of further quantities of electricity.
- 15.13 The licensee shall comply with all other regulations, including the regulations specified by the Commission regarding utilisation of the transmission assets for a business other than transmission of electricity.

### **A16: PROHIBITED ACTIVITIES**

- 16.1 The Transmission Licensee shall not, without prior approval of the Commission:

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- a) undertake any transaction to acquire by purchase or takeover or otherwise, the utility of any other licensee; or
- b) merge its utility with the utility of any other Licensee;

Provided that nothing contained in this sub-section shall apply if the utility of the licensee is situated in a State other than the State of Jharkhand in which the utility referred to in clause (a) or clause (b) is situated.

Provided that licensee shall, before obtaining the approval under clause 16.1 give not less than one month's notice to every other licensee who transmits or distributes, electricity in the area of such licensee who applies for such approval.

- c) at any time assign his licence or transfer his utility, or any part thereof, by sale, lease, exchange or otherwise without the prior approval of the Commission.

Provided that any agreement relating to any transaction specified in subsection (a) to (c), unless made with, the prior approval of the Commission, shall be void.

- 16.2 Without prior approval of the Commission, the Licensee shall not transmit electricity to any person in the State of Jharkhand, other than pursuant to these conditions of license, except to the extent required to meet its obligations under the central Act, in relation to inter-State transmission of electricity.
- 16.3 The Transmission Licensee shall not make use of the assets of his system for a purpose other than transmission of electricity, except with the prior approval of the Commission.
- 16.4 The Transmission Licensee shall not enter into any arrangement for wheeling of electricity with a person who is not authorised to do so under the provisions of the Act.
- 16.5 The Transmission Licensee shall not engage in the business of trading of electricity.
- 16.6 The Transmission Licensee shall not acquire or retain any ownership or beneficial interest in a Distribution Company, Trading Company, Generating Company or Generating Set engaged in selling of electricity into the Licensed Area.
- 16.7 The Licensee shall seek approval of the Commission before making any loans to, or issuing any guarantee for any obligation of any Person, except when made or issued for the purposes of the Licensed Business. Loans to employees pursuant to their terms of service and advances to suppliers in the ordinary course of business are excluded from the requirement to seek such approval.

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- 16.8 The Licensee shall not commence any new provision of services to persons other than in the area of supply for the transportation of electricity through the Licensee's Transmission System, except with the general or special approval of the Commission. In circumstances requiring immediate remedial action in the interest of continuity of supply in any other area of supply, the Licensee may commence the activity referred to in this sub clause provided the Licensee informs the Commission of such occurrence and circumstances within fifteen (15) days.

### **A17: ASSIGNMENT OF LICENSE**

- 17.1 In case of default by the licensee in debt repayment, the Commission may, on an application made by the lenders, assign the licence to a nominee of the lenders.

### **A18: TERM OF LICENSE**

- 18.1 The transmission licence shall, unless revoked earlier, continue to be in force for a period of twenty five (25) years from the date of issue.
- 18.2 If the useful life of the transmission asset for which transmission licence has been issued extends beyond the period of 25 years, the Commission may consider on merit of each case to grant licence for another term for which the licensee may make an application in accordance with section A5: of these regulations, two years before the expiry of the initial period of licence:

Provided that when the licensee does not make an application for grant of licence beyond the initial period of 25 years, the Commission may, to protect the interest of the consumers or in public interest, issue such directions or formulate such schemes as it may deem necessary for operation of the transmission assets for the remaining part of its useful life.

- 18.3 Where the tariff of the transmission assets has been determined by the Commission under Section 62 of the Act, the tariff of such assets beyond the period of 25 years shall be determined in accordance with the tariff regulations applicable at that point of time.
- 18.4 Where the Request for Proposal (RFPs) for the projects have been issued or the projects have been awarded on the basis of competitive bidding under Section 63 of the Act on the date of notification of these regulations, the tariff of such transmission assets beyond the initial period of license shall be determined in accordance with the following guidelines:
- a) For computation of Return on Equity, equity base shall be 30% of the Gross Block or the actual equity invested in the project as per balance sheet as at the end of 25th year whichever is lower, subject to prudence check by the Commission;
  - b) Other financial and technical norms i.e. Return on Equity, Interest on Loan, O&M Expenses, Interest on working capital, target availability, incentive etc. shall be considered on the basis of norms of tariff prevalent during the period in which the initial period of license is due to expire.

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18.5 For all future projects to be developed through competitive bidding, the bidders shall be required to quote the tariff up to 35<sup>th</sup> year from date of commercial operation which shall be considered for bid evaluation:

Provided that in case the license is granted for another term, the tariff for the extended period up to 35<sup>th</sup> year shall be payable on the basis of the rate quoted at the bidding and adopted by the Commission for the respective year of operation.

18.6 In case the transmission licensee covered under clauses (18.4) and (18.5) of this regulation decides to undertake renovation & modernization of the transmission system after the initial period of license, it shall make an application for approval of the cost of renovation and modernization along with the application for grant of fresh license, which shall be considered by the Commission in accordance with the prevalent norms.

### **A19: CONSEQUENCES OF LATE PAYMENT OR NON-PAYMENT OF LICENSE FEE**

19.1 Notwithstanding the liability of the licensee to pay the late payment surcharge -under the JSERC (Conduct of Business) Regulations, 2016 or any other regulations in force, delay in payment or non-payment of the license fee or a part thereof, for a period exceeding 60 days, shall be construed as breach of the terms and conditions of the license.

### **A20: ACCOUNTS OF THE LICENSEE**

20.1 The licensee shall

- a) Maintain separate accounts for each business, including the business of the undertaking utilizing assets of the project, in accordance with JSERC (Power Accounting Regulations), 2016 as amended from time to time.
- b) Prepare from such records, accounting statements for each financial year comprising a profit and loss account, a balance sheet and a statement of source and application of funds together with notes thereto and showing separately the amounts of any revenue, cost, asset, liability, reserve, or provision which has been either:
  - o charged from or to any other business together with a description of the basis of that charge; or
  - o determined by apportionment or allocation between the various business activities together with a description on the basis of the apportionment or allocation.



- c) Get the accounting statements prepared in accordance with foregoing clauses, duly certified by the Auditors in respect of each financial year, stating whether in their opinion the statements have been properly prepared and give a true and fair view of the revenues, costs, assets, liabilities, reserves reasonably attributable to the business to which the statements relate.

**A21: INSPECTION OF ACCOUNTS**

- 21.1 Any person authorized by the Commission shall be entitled to inspect and verify the accounts of the licensee at any reasonable point of time and the licensee shall be under obligation to render all necessary assistance to the person so authorized for inspection of accounts.

**A22: SUBMISSION OF INFORMATION & PRUDENTIAL REPORTING BY THE LICENSEE**

- 22.1 The licensee shall submit such information, as may be called for from time to time by the Commission or the State Load Despatch Centre, in order to fulfil responsibility of supervision and control over the intra-State transmission system entrusted under the Act

Provided that the State Load Despatch Centre may from time to time, report to the Commission, such of the developments, as they consider appropriate in regard to performance of licensee.

- 22.2 The licensee shall, as soon as practicable, report to the Commission:
  - a) Any change in major shareholding, ownership or management of the licensee; and
  - b) Any proceedings initiated by one or more of the parties signing the agreement for interpretation, amendment or termination of the agreement.

**A23: AMENDMENT OF LICENSE**

- 23.1 The Commission may of its own motion or on an application made by the licensee or on receiving complaint or information from any person or otherwise make such alterations and amendments in the terms and conditions of licence if the Commission is of the opinion that the public interest so requires.
- 23.2 The application for amendment of the licence made by the licensee, shall be in such form as may be directed by the Commission. Such application shall be accompanied with a statement of the proposed amendment and shall be supported by an affidavit.
- 23.3 The applicant shall within seven (7) days from the date of admission of the application for amendment, publish a notice in two daily newspapers, one in English language and other in Hindi language, having wide circulation in area of operation of the transmission licence sought to be amended, giving the following particulars:

- a) Brief Details of existing Transmission Licence;
- b) Proposed amendments to the existing Transmission Licence; and
- c) Brief reasons for seeking the amendment.
- d) The names, addresses and other necessary details of the person(s) nominated by the applicant in major cities or towns of area of proposed transmission licence, who can make available for inspection application and other documents or from whom they can be purchased in person or by post at reasonable charges, not exceeding photocopying charges;
- e) A statement that any person, desirous of making any suggestion or objection to the proposed amendment, may do so by filing written petition in six copies addressed to the Secretary, JSERC within thirty (30) days from the date of the first publication of the notice.

23.4 Where an amendment to a Transmission Licence is proposed by the Commission suo-motu, the Commission shall publish a notice in two daily newspapers one in English language and the other in Hindi language having wide circulation in the area of operation of the Transmission Licence sought to be amended, giving the following particulars:

- a) Name of the Transmission Licensee and address of main office in the area of supply;
- b) Description of alteration or amendment proposed to be made by the Commission;
- c) Brief reasons for proposed alteration or amendment;
- d) A statement that any person, desirous of making any suggestion or objection to the proposed amendment, may do so by filing written petition in six copies addressed to the Secretary within thirty (30) days from the date of the first publication of the notice.

All objections to the proposed amendment, received within one month from the date of first publication of notice, shall be considered by the Commission before effecting or rejecting the proposed amendment.

23.5 Unless otherwise specified in writing by the Commission, the procedure specified in these Regulations for grant of licence, in so far it can be applied, shall be followed while dealing with an application for amendment of the licence.

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23.6 In case of an application proposing alterations or modifications in respect of area of supply, comprising the whole or any part of any cantonment, aerodrome, forests, dockyard or camp or of any building or place in the occupation of the Government for defence purpose, the Commission shall not make any alterations or modifications except with the consent of Central Government.

### **A24: CONTRAVENTION BY THE LICENSEE**

24.1 The Commission may pass such orders as it thinks fit in accordance with the provisions of the Act and these Regulations if there is a contravention of the terms and conditions of licence by the Licensee.

### **A25: REVOCATION OF THE TRANSMISSION LICENSE**

25.1 The Commission may revoke a transmission licence on its own or on application of the Licensee or on receiving any complaint from any person in accordance with the provisions of the Act, and, these Regulations in any of the following circumstances:

- a) Where the licensee in the opinion of the Commission, makes wilful and prolonged default of doing anything required of it by or under the Act, or the Rules or the regulations framed pursuant to the Act;
- b) Where the licensee breaches any of the terms and conditions of its licence;
- c) Where the licensee fails, within the period fixed in this behalf by its licence or any longer period which the Commission may allow therefore, to show to the satisfaction of the Commission, that it is in a position fully and efficiently to discharge the duties and obligations imposed on him by its licence;
- d) Where the circumstances of the licensee as perceived by the Commission indicate that the licensee's financial, managerial and technical capabilities are no longer adequate for fulfilling his duties and discharging obligations under the Act and conditions of the licence.
- e) Where licensee has failed or neglected to undertake transmission in electricity;
- f) Where the licensee fails to submit the information as required under these regulations;
- g) Where the licensee breaches any of the terms and conditions of Transmission Service Agreement during the construction or operations phase;
- h) Where the licensee persistently fails to fulfil its part in maintaining Grid Standards and, as a result, the distribution systems and the generating units are jeopardized and quality of supply to consumers suffers frequently and the licensee does not take corrective action.

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Provided that the licence shall not be revoked except after an enquiry by the Commission in accordance with principles of natural justice under section 143 of the Act, and unless the licensee has been given not less three months notice in writing stating the grounds for revocation of licence and considering the cause shown by the licensee within the period of that notice against the proposed revocation.

Provided further that the Commission may, instead of revoking the licence, permit the licence to remain in force subject to such further terms and conditions as it thinks fit to impose, and any further terms and conditions so imposed shall be binding upon and be observed by the licensee and shall be of like force and effect as if they were contained in the licence.

- 25.2 If the Commission decides to revoke the licence, the Commission shall serve a notice of revocation upon the licensee stating the effective date from which such revocation shall take effect. The Commission shall also forward a copy of the order of Revocation to the State Government, STU, CEA, and Local Authority and to such other person/body as the Commission considers it necessary.

The Commission shall simultaneously specify how and by whom the obligations under the licence are to be discharged after such revocation.

- 25.3 If the Commission at any stage is satisfied that the project has been abandoned by the licensee thereby affecting its construction, operation or maintenance, the Commission may direct the STU or any other person found suitable by the Commission, to immediately take over construction, operation or maintenance of the project as an interim measure pending finalization of proceedings for revocation of licence and sale and vesting of utilities of the licensee in accordance with Sections 20 and 21 of the Act.

### **A26: DEEMED GRANT OF TRANSMISSION LICENSEE**

- 26.1 Until otherwise directed by the Commission, any person engaged in the business of transmission of electricity under the provisions of the repealed laws or any Act shall be deemed to have applied for and granted the Transmission Licence under the first provision to Section 14 of the Act, and subject to the fulfilment of the conditions contained in clause 26.2.

- 26.2 The licensee under clause 26.1 shall:

- a) not directly or indirectly undertake trading in electricity or transmission or supply of electricity outside its area of operation and transmission and supply of electricity shall be strictly restricted to the relevant approved purpose;
- b) establish the electric line or works only within the area of operation;
- c) furnish to the Commission such information required by the Commission for the purposes of the discharge of the functions of the Commission as the Commission may from time to time direct;

- d) comply with the provisions of the Act, the Regulations of the Commission, technical codes such as Grid Code, Supply Code, Standards of Performance or any other guidelines issued by the Commission;
  - e) comply with all applicable rules and regulations concerning the safety and security of the operation; and
  - f) comply with any directions which the Commission may issue from time to time in regard to the charges which licensee may levy on the consumers taking into account the charges prevailing in the nearby area of supply of electricity supplied by a licensee.
- 26.3 The Commission shall be entitled to issue appropriate directions from time to time as it may consider it to be necessary and take appropriate action against a licensee under these Regulations in accordance with the provisions of the Act for any breach of conditions of license.
- 26.4 The Commission may, by an interim or final order, direct the Licensee under these Regulations to cease to transmit electricity in the area of operation or any part thereof.
- 26.5 If any difference or dispute arises as to whether the person is entitled to undertake transmission of electricity as a Licensee under these Regulations, the decision thereon of the Commission shall be final.

## **CHAPTER V:**

### **MISCELLANEOUS**

#### **A27: PROCEDURE FOR SECURING COMPLIANCE OF TERMS AND CONDITIONS OF LICENSE**

- 27.1 Where the Commission, on the basis of material in its possession is satisfied that the licensee is contravening, or is likely to contravene, the terms and conditions of licence, it shall serve a notice to the licensee narrating the terms and conditions of licence contravened or likely to be contravened by him to seek its explanation.
- 27.2 The notice may be served on him by delivering the same at the registered office or at the usual or its last known place of residence or business, either through registered post or speed post or by hand delivery through a messenger or publication in the newspaper where the Commission is satisfied that it is not reasonably practicable to serve the notice on the licensee through registered post/ speed post or by hand delivery or in any other manner as considered appropriate by the Commission in the facts and circumstances of the case.

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- 27.3 The Commission if it considers that it is necessary to bring the matters to the attention of persons affected or likely to be affected by such contravention, shall publish a notice in one or more newspapers specifying the terms and conditions contravened or likely to be contravened by the licensee to invite suggestions from such persons.
- 27.4 The licensee or the persons affected or likely to be affected by the contravention of the terms and conditions of the licence by the licensee may file their objections or suggestions within 30 days from the date of receipt of notice under clause (27.1) or publication of notice in the newspapers under clause (27.3), as the case may be.
- 27.5 The Commission shall on consideration of the objections and suggestions received as aforesaid, pass such order or give such directions as may be necessary to secure compliance of the terms and conditions of license.

### **A28: DISPUTE RESOLUTION**

- 28.1 All disputes or differences arising out of or connected with the interpretation of the licence or the terms and conditions thereof, shall, as far as possible, be resolved by mutual consultation and reconciliation in accordance with the agreements.
- 28.2 In the event of failure of the parties to resolve the disputes or differences in the manner stated in clause (28.1), these shall be referred by the licensee to the Commission for adjudication or arbitration, within one month of recording of such failure.

### **A29: SAVING OF INHERENT POWER OF THE COMMISSION**

- 29.1 Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent power of the Commission to make such orders as may be necessary for ends of justice or to prevent the abuse of the process of the Commission.
- 29.2 Nothing in these Regulations shall bar the Commission from adopting in conformity with the provisions of the Act, a procedure, which is at variance with any of the provisions of these Regulations, if the Commission, in view of the special circumstances of a matter or class of matters and for reasons to be recorded, in writing, deems it necessary or expedient for dealing with such a matter or class of matters.
- 29.3 Nothing in these Regulations shall, expressly or impliedly bar the Commission to deal with any matter or exercise any power under the Act for which no Regulation have been framed, and the Commission may deal with such matters, with powers and functions in a manner it thinks fit.

### **A30: GENERAL POWER TO AMEND**

- 30.1 The Commission may, at any time and on such terms as to costs or otherwise, as it may think fit, amend any defect or error in any proceeding before it, and all necessary amendments shall be made for the purpose of determining the real question or issue arising in the proceedings.

**A31: POWER TO REMOVE DIFFICULTIES**

31.1 If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may, by general or special order, do anything not being inconsistent with the provisions of the Act, which appears to it to be necessary or expedient for the purpose of removing the difficulties.

**A32: POWER TO DISPENSE WITH THE REQUIREMENTS OF THE REGULATIONS**

32.1 The Commission shall have the power, for reasons to be recorded in writing and with notice to the affected parties, dispense with the requirements of any of the Regulations in a specific case or cases subject to such terms and conditions as may be specified.

**A33: EXTENSION OR ABRIDGEMENT OF TIME PRESCRIBED**

33.1 Subject to the provisions of the Act, the time prescribed by these Regulations or by order of the Commission for doing any act may be extended (whether it has already expired or not) or abridged for sufficient reason by order of the Commission.

**A34: EFFECT OF NON-COMPLIANCE**

34.1 Failure to comply with any requirement of these Regulations shall not invalidate any proceeding merely by reason of such failure unless the Commission is of the view that such failure has resulted in miscarriage of justice.

**A35: ENFORCEMENT OF ORDERS PASSED BY THE COMMISSION**

35.1 The Secretary shall ensure enforcement and compliance of the orders passed by the Commission, by the persons concerned in accordance with the provisions of the Act and Regulations and if necessary, may seek the orders of the Commission for directions.

**A36: REGULATIONS TO BE IN ADDITION TO AND NOT IN DEROGATION OF OTHER LAWS**

36.1 These Regulations are in addition to and not in derogation of any provision laid under the Act, rules or regulations framed thereunder or under any other laws.

**A37: COGNIZANCE OF OFFENCE**

37.1 No court shall take cognizance of an offence punishable under the Act except upon a complaint, in writing, made by the Commission or by any other officer duly authorised by the Commission for this purpose.

**A38: COMPETITION, EFFICIENCY AND ECONOMY**

38.1 The Commission, in all its endeavours shall bring in measures of competition, efficiency and economy in the activities of electricity industry in Jharkhand, as envisaged in Section 86 of the Act. Towards this end, it will strive to introduce more players in the activities of electrical industry, enforce functional and financial efficiency measures and ensure that both the producers and consumers derive economic advantage.

**A39: REPEAL AND SAVINGS**

39.1 Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent powers of the Commission to make such orders as may be necessary for ends of justice to meet or to prevent abuses of the process of the Commission.

39.2 Nothing in these Regulations shall, expressly or impliedly, bar the Commission dealing with any matter or exercising any power under the Act for which no Regulations have been framed, and the Commission may deal with such matters, powers and functions in a manner it thinks fit.

**(By order of the Commission)  
(A.K. Mehta)**

**Secretary**

**Jharkhand State Electricity Regulatory Commission**



**APPENDIX-I: APPLICATION FORM FOR THE GRANT OF  
TRANSMISSION LICENSE**

**Before the Jharkhand State Electricity Regulatory Commission, Ranchi**

**Case No. \_\_\_\_\_ of \_\_\_\_\_ (year)**

**Particulars of the Applicant**

- 1) Name of the Applicant:
- 2) Form of Incorporation, if any:
- 3) Address:
- 4) Name, Designation & Address of the contact person:
- 5) Contact Nos. :
- 6) Fax No. :
- 7) E-mail ID :
- 8) Place of Incorporation / Registration:
- 9) Year of Incorporation / Registration:
- 10) Geographical Area within which proposes to undertake transmission:
- 11) Following documents are to be enclosed :
  - a) Certificate of registration/incorporation:
  - b) Certificate of commencement of business:
  - c) Memorandum of Association and Articles of Association:
  - d) Original power of attorney of the signatory to commit the Applicant or its promoter:
  - e) Details of Income Tax Registration:
  - f) All the documents required in the Regulations:
- 12) Details of Financial Data of Applicant:

Net worth (in equivalent Indian Rupees-conversion to be done at the rate of exchange prevailing at the end of each year) for immediate past 5 (five) financial years (Specify financial year as applicable)

DD / MM / YY to DD / MM / YY	In Home Currency	Exchange rate used	In equivalent Indian Rupees

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DD / MM / YY to DD / MM / YY	In Home Currency	Exchange rate used	In equivalent Indian Rupees

Copies of Annual Reports or certified audited results to be enclosed in support of above.

- 13) Annual Turnover (in equivalent Indian Rupees – conversion to be done at the rate of exchange prevailing at the end of each year) for immediate past 5 (five) financial years. (Specify financial year as applicable).
- 14) Certificate of Credit Rating
- 15) Certificate of ‘Standard’ borrowal account
- 16) Certificate stating that RBI has not classified the Applicant as a ‘willful defaulter’.
- 17) List of documents enclosed in support of Sl. Nos. (10) and (11) above:

Name of the document

- a)
- b)
- c)
- d)

- 18) Particulars of the Project for which license is being sought:

**a) Transmission Lines**

S.No	Name (end- points location)	Voltage Class (kV)	Length (km)	Type of conductor

- 19) Whether Applicant himself shall be financing the proposed transmission of electricity fully on its own balance sheet:

- a) If Yes, proposed equity from the Applicant
  - i. Amount
  - ii. Percentage

- 20) In case the Applicant proposes to tie up with some other Agency for equity, then name & address of such agency :

- a) Name, designation & address of reference person of the other Agency:
- b) Contact Tel No. :
- c) Fax No. :
- d) E-mail ID:

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- e) Proposed equity from the other Agency
- f) Amount
- g) Percentage of total equity
- h) Currency in which the equity is proposed
- i) Consent letter of the other agency to associate with the Applicant for equity participation to be enclosed.
- j) Nature of proposed tie-up between the applicant and the other agency.

21) Details of debt proposed for the transmission activity:

- a) Details of lender:
- b) Amount to be sourced from various lenders:
- c) Letters from the lenders in support of the above to be enclosed.

22) Organization & Managerial Capability of the Applicant :

(The Applicant is required to enclose proof of their Organizational & Managerial Capability, in terms of the Regulations, in form of proposed organizational structure & curricula vitae of various executives proposed office and communication facilities, etc.).

23) Approach & Methodology:

(The Applicant is required to describe approach & methodology for setting up its transmission system and conduct of the business of transmission of electricity as proposed by it. This should contain a statement of the Applicant's plan on conduct of the business of transmission of electricity during the first year after the grant of license and future plans for the said business during the next five years.)

24) Data relating to the applicant's future business

- a) Five year Business Plan for transmission or distribution of electricity for which the application is being made and funding arrangements for meeting its obligations under proposed license for maintenance, operation, improvement and expansion for future load growth.
- b) Five year annual forecasts of costs, sales, revenues and project financing stating the assumptions underlying the figures provided.

(Signature of the Applicant)

Dated :

**APPENDIX-II: PUBLIC NOTICE**

**Monogram, if any, of the applicant**  
**Name of the applicant (In bold letters)**  
**Address of the applicant (In bold letters)**

**NOTICE (In bold letters)**

**(Under sub-section (2) of Section 15 of the Electricity Act, 2003)**  
**(In bold letters)**

(To be published in at least two daily newspapers, one in English and the other in the Hindi language having circulation in each of the State/Union Territory where any element of the Project or the long-term customer is situated in the same language as of the daily newspapers.)

1. **(Give here name of the applicant in BOLD LETTERS)**, having its Registered Office at **(Give the address in BOLD LETTERS)**, which is incorporated under the Companies Act, 1956, has made an application before the Jharkhand State Electricity Regulatory Commission, Ranchi under sub-section **(1)** of Section 15 of the Electricity Act, 2003 for grant of transmission licence in respect of the transmission lines, sub-stations and other assets, the details of which are given below:

Sl. No.	Name of the line, Substation (location)	Line length <sup>1/</sup> Capacity <sup>2</sup>	Estimated Completion Cost <sup>3</sup> or Levelised Transmission Charges <sup>4</sup> (If applicant is selected in accordance with guidelines for competitive bidding)	Commissioning Schedule	Remarks

***Explanatory note:***

*These are explanatory notes for submitting above information and not to be included in the public notice.*

1. *In case of a transmission line*
2. *In case of a sub-station*
3. *The estimated cost in INR along with the base month and year of the estimated cost.*
4. *Levelised Transmission Charges based on tariff quoted and discount factor and escalation factor used for evaluation by Bid Process Coordinator.*
5. *In the remarks column, in addition to any other details that may be considered necessary, it should*

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*be clearly mentioned whether any of the assets will traverse or will be located, wholly or partly, in any cantonment, aerodrome, fortress, arsenal, dockyard or camp or any of the buildings or place in occupation of the Government for Defence purposes.*

2. Complete application and other documents filed before the Commission are available on the web site ..... (Give web site address) for access by any person. The application can also be inspected at the office of the Company at ..... (Give address or reference to address, if given in the monogram) with ..... (Give name of the person authorised to allow inspection) or Office of the Commission in accordance with the procedure specified by the Commission.
3. Objections or suggestions, if any, be filed before the Secretary, Jharkhand State Electricity Regulatory Commission, (Give address of the Office of the Commission), with a copy of the objection(s)/suggestion(s) to the applicant or its authorized agent, within 30 days of the publication of the notice in the newspaper.

Place:

Date :

Name and Designation of the Authorised Signatory

**APPENDIX-III: TRANSMISSION LICENSE**

1. The Jharkhand State Electricity Regulatory Commission (hereinafter referred to as Commission), in exercise of the powers conferred under Section 14 of the Electricity Act, 2003(hereinafter referred to as 'Act'), hereby grants the licence to..... (hereinafter referred to as the licensee) to construct, own, maintain and operate..... (Name of the Project), more specifically described in the schedule attached to this licence, which shall be read as a part and parcel of this licence, subject to the Act, the rules and the terms and conditions specified under the Jharkhand State Regulatory Commission (Procedure, Terms and Conditions for grant of Transmission Licence and other related matters) Regulations, 2018 which shall be read as part and parcel of this licence.
2. The conditions such as but not limited to, completion schedule, transfer value, liquidated damages, Project Implementation Guarantee Deposit, escalation due to domestic inflation, which are specified in bid documents and provisions in the Agreements, shall be treated as part of this licence, unless these provisions are contrary to the Jharkhand State Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of Transmission Licence and other related matters) Regulations, 2018.
3. This licence is not transferable, except as provided in the Jharkhand State Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of Transmission Licence and other related matters) Regulations, 2018.
4. The grant of licence to the licensee shall not in any way or manner restrict the right of the Commission to grant a licence to any other person within the same area for the transmission system other than the Project described in the schedule attached to this licence. The licensee shall not claim any exclusivity.
5. The licence shall, unless revoked earlier, continue to be in force for a period of 25 (twenty five) years from the date of issue.

Place:

Date:

**SCHEDULE**

**1.0 Project Related Details:**

The Project comprises of following elements of the Inter-State Transmission System

S.No.	Name of the transmission element	Scheduled date of commissioning