

**Draft**



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**Andhra Pradesh Electricity Regulatory Commission  
Transmission Licence Regulation, 2017**

**Regulation No. ----- of 2017**

In exercise of the powers conferred under Section 181 read with Section 15, 16 and 18 of the Electricity Act, 2003 (36 of 2003) and all powers enabling it in that behalf, the Andhra Pradesh Electricity Regulatory Commission (APERC) hereby makes the following Regulations, namely:

**CHAPTER 1  
PRELIMINARY**

**1. Short Title, Extent and Commencement**

- a) This Regulation shall be called the Andhra Pradesh Electricity Regulatory Commission (APERC) Transmission Licence Regulation, 2017.
- b) This Regulation extends to the whole State of Andhra Pradesh.
- c) This Regulation shall be applicable to the transmission licensee which was granted Licence under Andhra Pradesh Electricity Reform Act, 1998 in the state of Andhra Pradesh.
- d) This Regulation shall come into force on the date of its publication in the Andhra Pradesh Gazette.

**2. Definitions and Interpretation**

(1) In this Regulation, unless the context otherwise requires: -

- a) **“Accounting Statement”** means for each financial year, accounting statements comprising a profit and loss account, a balance sheet and a statement of sources and application of funds, together with notes thereto and such other particulars and details and in the manner as the Commission may prescribe from time to time and showing the amounts of

any revenue, cost, asset, liability, reserve or provision, which has been either:

- (i) Charged from the licenced Business to any other business or vice versa together with a description of the basis of that charge; or
  - (ii) Determined by apportionment or allocation between the licenced Business and any other business of the transmission licensee together with a description of the basis of the apportionment or allocation.
  - (iii) The Accounting Statement shall show separately the requirements mentioned above for the licenced business and other business(es) in which the transmission licensee may engage.
- b) **“Act”** means “The Electricity Act, 2003 (36 of 2003);
  - 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 transmission licensee, the long-term customers and the State Transmission Utility (STU) or the Deemed licensee;
  - d) **“Annual Accounts”** means the accounts of the transmission licensee prepared in accordance with the provisions of the Companies Act, 2013, where applicable, and/or in accordance with standard accounting practice in any other case.
  - e) **“Applicant”** means a person who has made an application for a grant of licence for intra-state transmission of power;
  - f) **“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;
  - g) **“Area of Activity”** or **“Area of licence”** means the area of activity stated in the transmission licence within which the transmission licensee is authorised to operate and maintain transmission lines;
  - h) **“Auditors”** means the transmission licensee’s auditors, and if the transmission licensee is a company, auditors holding office in accordance with the requirements of the Companies Act, 2013 (Act No. 18 of 2013), as amended from time to time;
  - i) **“Bid process coordinator”** means an agency notified by the Central Government for coordinating the process of inviting bids for procurement of services for inter-State transmission of electricity in accordance with the guidelines for competitive bidding;
  - j) **“Business Plan”** means a plan in relation to the licenced Business, containing all the details specified in Clause 30;
  - k) **“Central Transmission Utility”** means the Central Transmission Utility notified by the Central Government under sub-section (1) of Section 38 of the Act;
  - l) **“Commission”** means the Andhra Pradesh Electricity Regulatory Commission

- m) **“Conduct of Business Regulations”** means the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999, as amended from time to time and includes any statutory re-enactment thereof;
- n) **“Deemed licensee”** means a person, who is deemed to be a licensee for inter-State transmission of electricity under any of the provisos to Section 14 of the Act;
- o) **“Empowered Committee”** means the Empowered Committee formed by the State Government under the guidelines for encouraging competition in Development of transmission projects;
- p) **“Grid Code”** means the Grid Code specified by the Commission under clause (h) of sub-section (1) of Section 86 of the Electricity Act and includes the Indian Electricity Grid Code as applicable and in force on the date of commencement of this Regulation;
- q) **“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;
- r) **“Licence”** means a licence granted by the Commission under Section 14 of the Act to a person to undertake intra-State transmission of electricity;
- s) **“Licenced Business”** means the business of transmission of electrical power in the Area of licence as authorised under the transmission licence;
- t) **“Licensee”** means a person who has been granted a licence, and includes a deemed licensee;
- u) **“Long-term customer”** means a person who has been granted long-term access and includes a person who has been allocated State sector generation that is electricity supply from a generating station owned or controlled by the State Government;
- v) **“Major Incident”** means an incident associated with the transmission of electricity, which results in a significant interruption of service, substantial damage to equipment, or loss of life or significant injury to human beings, or as otherwise directed by the Commission and shall also include any other incident which the Commission expressly declares to be a Major Incident;
- w) **“Open Access”** means the non-discriminatory provision for the use of transmission lines or transmission system or associated facilities with such lines or system by any licensee or consumer or a person engaged in generation in accordance with the Act and the regulations specified by the Commission;
- x) **“Other Business”** means any business of a transmission licensee other than the licenced Business of intra-state transmission, which the transmission licensee engages in for the optimum utilization of its assets;
- y) **“Project”** means an element or elements of the intra -State transmission system included in the transmission plan prepared by the **State Transmission Utility (STU)** and approved by the Commission;
- z) **“Reform Act”** means the Andhra Pradesh Electricity Reform Act, 1998.

- aa) **“Regional Power Committee”** means a committee established by resolution by the Central Government for a specified region for facilitating the integrated operation of the power systems in that region;
- bb) **“Secretary”** means the Secretary of the Andhra Pradesh Electricity Regulatory Commission;
- cc) **“Standards”** means the technical standards, safety requirements and grid standards specified by the Central Electricity Authority under Section 73 of the Act;
- dd) **“State”** means the State of Andhra Pradesh.
- ee) **“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;
- ff) **“State Transmission Utility (STU)”** means the State Transmission Utility notified by the State Government under sub-section (1) of Section 39 of the Act;
- gg) **“Transmission Licence”** means a licence granted to establish or operate transmission lines in the area specified in the licence, and “Transmission licensee” shall be construed accordingly;
- hh) **“Year”** means a calendar year or a period of twelve months from 1<sup>st</sup> April of a calendar year to 31<sup>st</sup> March of the following calendar year, as approved by the Commission from time to time;

Words and expressions used and not defined in this Regulation but defined in the Act shall have the meanings assigned to them in the Act. Expressions used herein but not specifically defined in this Regulation or in the Act but defined under any law passed by a competent legislature and applicable to the electricity industry in the state shall have the meaning assigned to them in such law.

## (2) Interpretation

- (1) In interpretation of this Regulation, unless the context otherwise requires:
- (2) words in the singular or plural term, as the case may be, shall also be deemed to include the plural or the singular term, respectively;
- (3) the terms “include” or “including” shall be deemed to be followed by “without limitation” or “but not limited to” regardless of whether such terms are followed by such phrases or words of like import;

(4) the headings are inserted for convenience and may not be taken into account for the purpose of interpretation of this Regulation;

(5) references to the statutes, regulations or guidelines shall be construed as including all statutory provisions consolidating, amending or replacing such statutes, regulations or guidelines, as the case may be, referred to.

**(3) Review**

This Regulation may be reviewed by the Commission from time to time, *inter alia* for securing harmonization with the regulation of open access and/or to cater to the needs of developing power markets, in accordance with Section 66 of the Act.

**CHAPTER - 2**  
**SELECTION OF PROJECT AND IMPLEMENTING AGENCY**

**3. Selection of Projects**

The Empowered Committee shall identify the projects included in the transmission plan to be developed under the guidelines for competitive bidding issued by Government of Andhra Pradesh.

**4. Project Developer**

(1) In case of the projects identified by the Empowered Committee for development under the guidelines for competitive bidding, selection of the project developer shall be made in accordance with the procedure laid down under these guidelines.

(2) The projects included in the transmission plan and not identified by the Empowered Committee to be developed under the guidelines for competitive bidding may be developed by the State Transmission Utility or other deemed licensee, or a state owned or controlled company identified as project developer.

**CHAPTER – 3**  
**GRANT OF LICENCE**

**5. Proceedings before the Commission:**

All proceedings under this Regulation shall be governed by the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999, including amendments and statutory re-enactments thereof.

## **6. Eligibility for Grant of Licence**

- (1) No person shall be eligible for grant of transmission license unless it is—
  - (a) selected through the process under the guidelines for competitive bidding issued by Ministry of Power, Government of Andhra Pradesh.

Or

- (b) a state owned or controlled company identified as a project developer, or any other person identified as project developer in pursuant to the provisions of the Act or any other guidelines/initiatives of the Government of A.P or Government of India.
- (c) a generating company including a Captive Generating Plant which has established a dedicated transmission line (s), and intends to use such dedicated transmission line(s) as main transmission line(s) and as part of the Intra-State Transmission System (InSTS):

## **7. Procedure for Grant of Licence**

- (1) The application for grant of licence for intra-state transmission shall be made to the Commission in Form-I appended to this Regulation in three (3) sets and shall be accompanied by application fee as may be specified by the Commission. Such fee shall be payable by Bank Draft/Pay Order drawn in favour of Secretary, Andhra Pradesh Electricity Regulatory Commission.  
Upon receipt of the application, the Secretary shall send an acknowledgement to the Applicant at the address stated in the application including the date of receipt and the reference number.
- (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 such additional information, as may be required under these guidelines.
- (3) The applicant shall furnish a list of all the local authorities (viz. Gram Panchayat, Taluka Panchayat, District Panchayat, Municipal Area) vested with the administration of any portion of the proposed Area of licence through which the proposed transmission line will pass.

- (4) The applicant shall furnish an approximate statement describing any land which the applicant proposes to acquire for the purpose of the licenced Business and the means of such acquisition.
- (5) The applicant shall enclose a detailed description of the existing transmission network within the State in the licensee's proposed Area of Activity, including the single line diagram of the transmission network as well as an executive summary of the existing facilities, details of other equipment / apparatus in the area including number and details of sub-stations, details of power transformers, a description of the metering mechanism and other relevant details of the system including details of ownership of the said facilities.
- (6) The application shall be supported by affidavit of the person acquainted with the facts stated therein.

#### **8. Scrutiny of Application and Calling for Additional Information**

- (1) The Secretary may, upon scrutiny of the application, require the Applicant to furnish, as far as practicable, such additional information or documents as may be considered necessary for the purpose of dealing with the application, within a period of fifteen (15) days from the date of receipt of the application.
- (2) If the Secretary finds that the application and the accompanying documents are complete in all respects and after the Applicant has complied with the procedure prescribed for validly submitting an application, the Secretary shall certify that the application is complete for being considered for grant of transmission licence in accordance with the procedures provided in the Act and this Regulation.
- (3) 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, or where it does not have such website, on any other website, to provide access to the application through the Internet, the particulars of which shall be given in the application.

- (4) The application shall be kept on the web site till such time the licence is issued or the application is rejected by the Commission.
- (5) Immediately on making the application, the applicant shall forward a copy of the application to the State Transmission Utility and the State Transmission Utility shall acknowledge receipt of the application. The application along with annexures and enclosures thereto, shall also be submitted to the Commission and the STU on compact disc (CD) after taking necessary measures for data protection, virus detection etc.

### **9. Public notice of Application**

- (1) The applicant shall, within 7 days after making the application, publish a notice of its application in Form-II attached to this regulation, in at least one issue each of a daily newspaper in English language and two daily news papers in Telugu language, having wide circulation in the area of transmission where an element of the project or a long-term customer is situate.
- (2) As far as possible, within 7 days of receipt of the application, the Secretariat of the Commission shall convey defects, if any, if noticed on preliminary scrutiny of the application for rectification and the defects conveyed shall be rectified by the applicant in such time as may be indicated in the letter conveying the defects.
- (3) In the notice published in the newspapers under clause (9) it shall be indicated that the suggestions and objections, if any, on the application, may be filed before the Secretary, Andhra Pradesh Electricity Regulatory Commission, with a copy to the applicant, by any person, including the long-term customers, within 30 days of publication of the notice.

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

- (4) The applicant shall within 15 days from the date of publication of the notice as aforesaid submit to the Commission on affidavit the details of the notice published, indicating the newspapers in which the notice has been published and



the date and place of their publication and shall also file before the Commission the relevant copies of the newspapers, in original, in which the notice has been published.

#### **10. Recommendations of STU**

- (1) The State Transmission Utility shall send its recommendations, if any, to the Commission on the proposal made in the application within a period of thirty days from the date of receipt of application by it:

Provided that copy of the recommendations, if any, made by the State Transmission Utility shall always be forwarded to the applicant;

Provided further that the recommendations of the State Transmission Utility shall not be binding on the Commission.

- (2) The applicant may file its comments, duly supported by an affidavit, on the recommendations made by the State Transmission Utility and the suggestions and objections, if any, received from any person in response to the public notice published by him, within 45 days from the date of publication of notices in the newspapers, with an advance copy to the State Transmission Utility.

#### **11. Hearing of Application and Grant of Licence / Rejection**

- (1) After compliance by the Applicant of all the conditions pertaining to the submission of documents, obtaining of permissions and publication of notices and after the expiry of the time for receiving objections, the Commission may, if it deems fit, proceed to list the application for regular hearing.
- (2) After hearing of the application, if conducted, the Commission may after considering the suggestions and objections received in response to the public notice published by the applicant and the recommendations, if any, of the State Transmission Utility may, propose to grant the licence or for reasons to be recorded in writing, reject the application. Provided, however, that the Commission shall in no event reject an application without giving the Applicant an opportunity of being heard, either by requiring the Applicant to file responses in writing or by conducting an oral hearing.

- (3) Before granting a licence, the Commission shall publish a notice of its proposal in at least one issue each of a daily newspaper in English language and two daily news papers in Telugu language, having wide circulation, as the Commission may consider appropriate, stating the name and address of the person to whom it proposes to grant the licence, details of the project for which it proposes to grant licence, location or route of the elements of the project, in addition to any other details that the Commission may consider appropriate, to invite further suggestions and objections on its proposal.
- (4) The Commission may after consideration of the further suggestions and objections, if any, received in response to the public notice as aforesaid, grant licence or for reasons to be recorded in writing, reject the application if such application is not in accordance with the provisions of the Act, the rules or regulations made there under or any other law for the time being in force or for any other valid reason.
- (5) The licence shall be in the form specified in Form-3 of this Regulation. Provided that the Commission may add to alter or amend the form specified for a licence as it may in its discretion deem necessary.
- (6) The Commission may before granting licence or rejecting the application provide an opportunity of hearing to the applicant, the State Transmission Utility, the long-term customers, or the person who has filed suggestions and objections, or any other person:  
Provided further that the applicant shall always be given a reasonable opportunity of being heard before rejecting the application.
- (7) The Commission shall within 15 days of making the order to grant the licence, send a copy of the licence to the State Government, the Central Electricity Authority, the Central Transmission Utility, the State Transmission Utility, the applicant and the long-term customers.
- (8) When the Commission has approved a licence, the Secretary shall inform the Applicant of such approval and of the form in which it is proposed to grant the

licence and the conditions to be satisfied by the Applicant including the fees to be paid for the grant of licence within fifteen (15) days.

(9) Where the Commission has decided to refuse the application, the Secretary shall inform the Applicant of such refusal within fifteen (15) days enclosing a copy of the reasoned order of the Commission in support of such refusal.

(10) If the Applicant is willing to accept the licence with the modifications, changes or additions and subject to such other terms and conditions as the Commission directs under sub-clause (b) above, the applicant shall acknowledge acceptance to the Commission within fifteen (15) days of receipt of the approval from the Commission.

## **12. Term of Licence**

(1) (a) The licence shall commence from such date as the Commission may specify.

(b) The licence shall be valid for a period of twenty-five years from the date of its commencement unless it is revoked by the Commission.

(2) If the useful life of the transmission asset for which 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 Regulation 7 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.

(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:

(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 licence 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 licence is due to expire;

(5) For all future projects to be developed through competitive bidding, the bidders shall be required to quote the tariff upto 35th year from date of commercial operation which shall be considered for bid evaluation:

Provided that in case the licence is granted for another term, the tariff for the extended period upto 35th 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.

(6) In case the transmission licensee covered under clauses (4) and (5) of this regulation decides to undertake renovation & modernization of the transmission system after the initial period of licence, it shall make an application for approval of the cost of renovation and modernization alongwith the application for grant of fresh licence, which shall be considered by the Commission in accordance with the prevalent norms.

**13. Deposit of maps**

When a transmission licence has been granted, four (4) sets of maps showing the route of the transmission line along with locations and with such details as the Commission may specify, shall be signed and dated to correspond with the date of the notification of the grant of the licence. One set of such maps shall be deposited

with the Commission, one set shall be deposited with the STU and the other two sets shall be deposited with the Transmission licensee.

**14. Deposit of printed copies of Licence:**

(1) Every person who is granted a licence shall within thirty days (30) 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 as the Commission may specify in this regard;

(2) Every such licensee shall, within the aforesaid period of thirty days, supply free of charge one copy of the licence and the relevant maps to every local authority within the area of activity 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.

**15. Amendment of Licence**

(1) The Commission may of its own motion or on an application made by the licensee 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:

Provided that before ordering any alterations and amendments in the terms and conditions of the licence, proposed to be made otherwise than on the application of the licensee, the Commission shall publish a notice in two such daily newspapers as it considers necessary with the following particulars, namely:-

- a) name and address of the licensee;
- b) alterations and modifications proposed to be made;
- c) grounds for such alterations and modifications; and

- d) statement inviting suggestions, if any, on the proposal for consideration of the Commission within the time specified in the notice.
- (2) The procedure specified in regulation 7 shall *mutatis mutandis* be applicable in case the licensee makes an application for any alteration of or modification to the terms and conditions of the licence.
- (3) Where the licensee has made an application proposing any alteration and modification of its licence, it shall publish a notice of such application, with the following particulars, namely:-
- a) name of the applicant;
  - b) that an application for alteration and modifications has been made before the Commission;
  - c) details of alteration and modifications proposed in the application,
  - d) reasons for seeking such alterations and modifications;
  - e) a statement that the application made before the Commission has been posted on the web site and can also be inspected in the office of the applicant;
  - f) a statement that any suggestion to the proposal for alteration and modifications made in the application may be submitted to the Secretary of the Commission within one month of publication of the notice;

**Note:** For the purpose of this regulation and Clause 16, the term "licensee" does not include the deemed licensee.

## **16. Revocation of Licence**

- (1) The Commission may revoke the licence, in any of the following circumstances, namely:-
- a) Where the licensee in the opinion of the Commission, makes willful and prolonged default in 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 therefor, 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 in the opinion of the Commission the financial position of the licensee is such that it is unable to fully and efficiently discharge the duties and obligations imposed on it by its 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;

Provided that the licence shall not be revoked except after an enquiry by the Commission in accordance with principles of natural justice, 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.

- (2) When the licensee makes an application for revocation of the licence and the Commission is satisfied that public interest so requires, the Commission may revoke licence, on such terms and conditions as it thinks fit.
- (3) The Commission shall serve a notice of revocation upon the licensee and fix a date on which the revocation shall take effect and shall simultaneously specify how and by whom the obligations under the licence are to be discharged after such revocation.

(4) 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 Central Transmission Utility 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.

**17. Payment of Fees**

- (1) The licensee shall pay an Initial licence fee as may be specified within 30 days, or such other period as the Commission may allow after the commencement of the licence.
- (2) For each subsequent year that the licence remains in force, the licensee shall, pay to the Commission Annual licence Fee as specified in the “APERC (Fees) Regulation, 2005.
- (3) Where the transmission licensee fails to pay any licence fee due under sub-clause (a) or (b) above by the due dates:
  - a) The transmission licensee shall be subject to proceedings for the recovery of the fees; and
  - b) The Commission may revoke the transmission licence pursuant to the provisions of the Act.

Provided that nothing contained in this clause shall be deemed to discharge any liability that the transmission licensee may be subject to under the Act or any other law for the time being in force.

**CHAPTER – 4**

**TRANSMISSION CHARGES**

**18. Determination of Transmission Charges**

- (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.



(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.

**19. Impact of Change of Law on Transmission Charges**

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- 5**

**GENERAL CONDITIONS OF THE TRANSMISSION LICENCE**

**20. Obligations of Transmission Licensee**

- (1) The licensee shall comply with the Regulations, orders and directions issued by the Commission from time to time and shall also act in accordance with the terms and conditions of this licence, except where the transmission licensee obtains the approval of the Commission for any deviation there from.
- (2) The licensee shall plan and operate the Transmission System, so as to ensure that the Transmission System is capable of providing an efficient, co-ordinated and economical system of Transmission. In particular, the licensee shall plan and develop its Transmission System in accordance with the Transmission System Planning and Security Standards as notified by the authority under the Act together with the State Electricity Grid Code as specified by the Commission.
- (3) The licensee shall not commence any new provision of services to third parties for the transportation of electricity through the licensee's Transmission System, except with the general or special approval of the Commission.
- (4) Standards of Performance: The licensee shall comply with the Standards of Performance Regulation issued by the commission under sub-section (2) of section 57 of the Act.

21. **Compliance**

- (1) The licensee shall comply with the Act, Reform Act, the Grid Code, Standards specified by Central Electricity Authority (CEA) on (i) Grid Standards Regulations, 2010 (ii) Installation and Operation of Meters, Regulations, 2006 (iii) Technical Standards for Connectivity to the Grid, Regulations, 2007 (iv) Measures Relating to Safety and Electric Supply, Regulations, 2010 and (v) Technical Standards for Construction of Electrical Plants and Electric Lines, Regulations, 2010 and Rules, Regulations, Orders and Directions issued by the Commission from time to time;
- (2) The licensee shall duly comply with the orders and directions issued in discharge of their functions by the National Load Despatch Centre, Regional Load Despatch Centre and the State Load Despatch Centre and other statutory authorities;
- (3) The licensee shall coordinate with distribution licensees in the State, the Regional Power Committees, the Regional Load Despatch Centres/ State Load Despatch Centres and Central Transmission Utility/State Transmission Utility and/or the generating companies, as may be required, relating to the licenced Business;
- (4) The licensee shall pay the licence fee specified under this Regulation in accordance with the time-schedule specified hereunder;
- (5) The licensee shall pay such fee as may be specified by the Commission to the State Load Despatch Centre;
- (6) Where the licensee fails, omits or neglects to undertake any transmission activity for four consecutive quarters, the transmission licence shall be subject to revocation in accordance with the provisions of the Act;
- (7) The licensee shall not enter into any agreement leading to abuse of its dominant position, if any, or enter into a combination which is likely to cause or causes an adverse effect on competition in the electricity industry;
- (8) The 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;

- (9) The licensee shall establish adequate communication facilities such as telephone, fax, computer and internet facilities before undertaking transmission;
- (10) The licensee shall render all assistance to any person authorised by the Commission to regulate or to assist in the carrying out of the transmission licensee's duties.

## **22. Activities of the Licensee**

- (1) The State Transmission Utility shall duly discharge the duties under section 39 of the Act and being a transmission licensee shall also discharge the duties specified under Section 40 of the Act.
- (2) The licensee shall duly discharge the duties of the licensee specified under Section 40 of the Act.
- (3) The licensee shall provide non-discriminatory open access to the transmission system for use of licensees and generating companies including captive generating plants and consumers in accordance with the laws, rules and regulations for the time being in force, subject to availability of transmission capacity in the transmission lines and, in the case of use of such transmission system for supply of electricity to consumers, subject to payment of surcharge to meet the current level of cross subsidy as envisaged in Section 40 read with sub-section (2) of Section 42 of the Act.

## **23. Prohibited Activities**

The licensee shall not enter into any contract or otherwise engage in the business of trading of electricity:

## **24. Assignment of Licence**

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.

## **25. Other business**

The licensee may, with prior intimation to the Commission, engage in any other business for the optimum utilization of its assets. Where the licensee engages in such other business, it shall ensure that:

- (1) the licenced Business is not prejudiced and/or adversely affected in any manner by the carrying on of the other business;
- (2) the transmission assets of the licensee are not encumbered to support the other business;
- (3) the licenced business does not subsidize the other business;
- (4) if there are no investments involved in the other business, a maximum of 25% of the profit earned by the licensee from such new business, after meeting all reasonable expenses including corporate tax towards this income, may be retained by the licensee in that business, and the balance shall be used towards reducing its charges for transmission and wheeling to its customers;
- (5) if the licensee makes an additional investment for the purpose of the other business, the licensee may charge the new business a fee for making use of the transmission assets, which shall be not less than 75% of the fee which such new business would have paid for similar assets/services from an independent agency/company, and the fee so collected may be used towards reducing its charges for transmission and wheeling to its customers;
- (6) separate accounting records are kept in respect of such activities as if they were carried on by a separate company, so that the revenues, costs, assets, liabilities, reserves and provisions of, or reasonably attributable to each such other business are separately identifiable from those of the licenced business; and
- (7) the assets used in the transmission system for the purpose of the other business are not transferred without the prior approval of the Commission.

**26. Accounts and Audit**

(a) The licensee shall:

- (1) maintain separate information and statement of accounts for the licenced business and any other business;
- (2) maintain the statement of accounts in such form and containing such particulars as may be specified by the Commission and till such time as these are specified by the Commission, the accounts shall be maintained in

accordance with the Companies Act, 2013 (Act No. 18 of 2013) as amended from time to time, where such Act is applicable;

- (3) keep the accounts of the licenced business separate from any other business carried on by the licensee, whether licenced or otherwise;
- (4) prepare on a consistent basis, 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:
  - a) charged from or to any other business together with a description of the basis of that charge; or
  - b) determined by apportionment or allocation between the various business activities together with a description of the basis of the apportionment or allocation;
- (5) provide, in respect of the Accounting Statements prepared in accordance with foregoing clauses, a report by the Auditors in respect of each year, stating whether in their opinion the statements have been properly prepared and give a true and fair view of the revenue, costs, assets, and liabilities, reserves reasonably attributable to the business to which the statements relate.
- (6) submit to the Commission copies of the accounting statements and Auditor's report not later than six months after the end of the year to which they relate.

## **27. Inspection of Accounts**

Any person authorised 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.

## **28. Provision of Information**

- (1) The licensee shall furnish to the Commission, without delay, such information, documents and details related to the licenced business or other business of the licensee, as the Commission may require from time to time.
- (2) Where information is required by the Commission under clause (1) above, it shall be furnished in such form as may be specified by the Commission.
- (3) 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 fulfill responsibility of supervision and control over the Intra-State transmission system entrusted under the Act.

Provided that the report sent to the State Load Despatch Centre shall be placed on the website of the licensee or any other authorised website.

## **29. Prudential Reporting**

The licensee shall, as soon as practicable, report to the Commission:

- (1) any change in major shareholding, ownership or management of the licensee.
- (2) any proceedings initiated by one or more of the parties signing the agreement for interpretation, amendment or termination of the agreement.

## **30. Major Incident**

- (1) The licensee shall notify the Commission of any Major Incident affecting any part of the transmission or distribution system, including generator interconnection facilities, which has occurred and shall,
  - (a) submit a report giving full details of the facts of the incident and its cause.  
The Commission at its own discretion may require the submission of a report to be prepared by an independent person at the expense of the licensee.
  - (b) give copies of the report to the Commission and to all parties involved in the Major Incident.
- (2) The decision of the Commission as to what is a Major Incident shall be final.
- (3) Besides taking action for violation of the Regulations, the Commission shall be entitled to require the licensee to file a report of any Major Incident in

accordance with clause (a) above in any situation where the Commission reasonably believes a Major Incident has occurred but has not been reported by the licensee.

**31. Business Plan**

- (1) The licensee shall submit a Business Plan within three months of the licence coming into force, for such period as the Commission may direct, and shall update such plan annually. The business plan shall contain year-wise load growth, year wise transmission loss reduction proposal and specific action plans, metering plan for metering interface points, investment plan as detailed in Clause 32 herein, treatment of previous losses, debt restructuring plan, cost reduction plan, projected profit and loss account, projected balance sheets, projected cash flow statements and projected important financial parameters.
- (2) The Commission may require the licensee to intimate, by the end of the first quarter of each financial year, the progress made in implementing the business plan of the previous financial year indicating the differences between actual implementation and the business plan approved by the Commission.

**32. Investments**

- (1) The licensee shall duly comply with any regulations, guidelines, directions and orders that the Commission may issue from time to time in regard to investments to be made in the transmission business.
- (2) The licensee shall make the investments in a prudent manner, being guided by the duty to build, maintain and operate an efficient, co-ordinated and economical transmission system in the State.
- (3) The licensee shall submit to the Commission a five-year rolling investment plan, as a part of the business plan under clause 31, giving details of investment schemes to be undertaken during the concerned period for the approval of the Commission.
- (4) The licensee shall submit long term investment plan for 10 years in which, the licensee shall furnish a five-year rolling investment plan, as a part of the business plan under clause 31, giving details of investment schemes to be undertaken during the concerned period for the approval of the Commission.

- (5) After expiry a year in the investment plan, the licensee shall supplement one year detailed plan for succeeding fifth year from that acting year and long term plan for the succeeding 10<sup>th</sup> year from that acting year, by 31<sup>st</sup> December of every year, such that a long term investment plan for 10 years in which, a five (5) year detailed plan would be in place at any point of time.
- (6) The investment plan shall be in accordance with Load Forecast and Demand Forecast. The approach for making investment plan should be bottom-up method, i.e., the investment plan should be prepared based on area wise load and demand forecast made by distribution licensees.
- (7) For the purposes of the Load and Demand Forecasts and investment plan, the year can be a calendar year or Financial Year (Financial year shall begin on April 1<sup>st</sup> and end on 31<sup>st</sup> March) as approved by the Commission from time to time. Each licensee shall submit its Load and Demand Forecasts along with detailed investment plan to the Commission in the month of January of each year, and/or at such other times as the Commission may require.
- (8) The licensee shall make any investment under any scheme or schemes except in an economical and efficient manner and in terms of this Regulation and in accordance with the Regulations, guidelines, directions and orders the Commission may issue from time to time.
- (9) The Commission may cause verification of prudence of investment by appointing any of its officer(s) or by appointing third party. If at any point of time, the Commission arrives at a conclusion that the investment made is not prudent with reference to a particular scheme or schemes, the Commission may disallow whole or part of the investment based on its usefulness and will be recovered in the subsequent tariff orders, if the investment was built in the tariff.
- (10) The licensee shall promptly notify the Commission of all the Investments by 31<sup>st</sup> March of every year pertaining to the transmission system which the licensee proposes to implement for subsequent Financial Year together with relevant details in brief, including the estimated cost of such investment schemes that are in line with the investment plan. The licensee shall furnish to the Commission



such further details and clarifications as to the investments proposed, as the Commission may require from time to time.

(11) The licensee shall submit to the Commission, an investment plan, as a part of the business plan under clause 31 above, giving details of investment schemes to be undertaken during the concerned period for the approval of the Commission.

(12) The licensee shall demonstrate to the satisfaction of the Commission that:

(a) there is a need for such investments in the transmission system as are proposed in the investment plan; and

(b) the licensee has examined the economic, technical, system and environmental aspects of all viable alternatives to the proposal for investing in or acquiring new Transmission System assets to meet such need.

(13) The licensee shall intimate, by the end of the first quarter of each financial year,

(a) the annual investment plan with details of investment schemes to be carried out during the financial year; and

(b) the progress made in implementing the annual investment plan of the previous financial year indicating the differences between actual implementation and the investment plan approved by the Commission.

(14) The licensee shall not make any Investment outside of the proposals in the investment plan, without the express permission of the Commission.

Provided that if on account of unforeseen circumstances the licensee is required to make investment in a scheme, which does not find a place in the annual investment plan, the licensee may do so. Provided for the purposes of considering such investment while determining the tariff, the licensee shall satisfy the Commission that the investment was required for the licenced business and such investment was made in an efficient, co-ordinated and economical manner.

**33. Rights of the Licensee**

- (1) The licensee may erect and commission overhead transmission lines, lay transmission cables and construct substations in accordance with the transmission plans in order to fulfill the conditions stipulated in the licence. The licensee shall comply with the safety regulations issued by the Central Electricity Authority and relevant laws under Section 67, 68 and 69 of the Act in acquisition of land for lines and substations and while executing works.
- (2) A licensee may install an overhead line, subject to the prior approval of the Appropriate Government.
- (3) The licensee shall inform the Commission and STU whenever construction work on a new transmission component is commissioned.

**34. Investigation of certain matters by the Commission**

- (1) The Commission may, on being satisfied that a licensee has failed to comply with any of the conditions of the licence or has failed to comply with any of the provisions of the Act, Reform Act, or rules or regulations made thereunder, at any time, by order in writing, direct any person (referred to as “Investigating Authority”) specified in the order to investigate the affairs of any licensee and to report to the Commission on any investigation made by such Investigating Authority.
- (2) The Investigating Authority shall conduct the investigation in accordance with the provisions of the Act.
- (3) On receipt of investigation report from the Investigating Authority, the Commission may, in accordance with the provisions of the Act and after giving such opportunity to the licensee to make a representation in connection with the report as in the opinion of the Commission seems reasonable, by order in writing-
  - (a) require the licensee to take such actions in respect of any matter arising out of the report as the Commission may think fit; or
  - (b) cancel the licence.

(4) The Commission may also take any other action in accordance with the provisions of the Act.

**35. Provisions applicable to Deemed Licensees**

The general conditions of Transmission Licence specified in this Regulation shall be applicable to a deemed licensee under the first, second, third and fifth proviso to Section 14 of the Act.

**CHAPTER - 6**  
**MISCELLANEOUS**

**36. Procedure for Securing Compliance of Terms and Conditions of Licence**

- (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.
- (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.
- (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.
- (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 (1) or publication of notice in the newspapers under clause (3), as the case may be.
- (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 licence.

### **37. Dispute Resolution**

- (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.
- (2) In the event of failure of the parties to resolve the disputes or differences in the manner stated in clause (1), these shall be referred by the licensee to the Commission for adjudication or arbitration, within one month of recording of such failure.

### **38. Communication**

- (1) All communications under these regulations shall be in writing and shall be delivered either in person to the addressee or its authorised agent, or sent by registered post or speed post at the registered office or at the usual or last known place of residence or business of the addressee.
- (2) All communications shall be deemed to have been given by the sender and received by the addressee –
  - a) when delivered in person to the addressee or to its authorised agent;
  - or
  - b) on expiry of 15 days from the date of sending the communication by registered or speed post at the address of the addressee.

### **39. Power to Relax**

The Commission may, when it considers necessary or expedient to do so and for reasons to be recorded in writing, relax or depart from any of the provisions of this Regulation.

### **40. Repeal**

Save as otherwise provided in this regulation, the licence number 1/2000 for Transmission and Bulk Supply granted in OP.No. 3 of 1999 is hereby repealed.

**41. Savings**

- (1) Nothing in this Regulation shall be deemed to limit or otherwise affect the power of the Commission to make such orders as may be necessary to meet the ends of justice or to prevent abuse of process of the Commission.
- (2) Nothing in this Regulation shall bar the Commission from adopting a procedure at variance with any of the provisions of this Regulation, 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 in order to deal with such a matter or class of matters.
- (3) Nothing in this Regulation shall, expressly or impliedly, bar the Commission from dealing with any matter or exercising any power under the Act or Reform Act, and the Commission may deal with such matters, and exercise such powers and functions in such manner as it thinks fit.

**42. Issue of orders and Practice Directions:**

Subject to the provisions of the Act, Reform Act, and this Regulation, the Commission may, from time to time, issue orders, practice directions in regard to the implementation of this Regulation, the procedure to be followed and other matters, which the Commission has been empowered by this Regulation to specify or direct.

**43. Power to remove difficulties**

If any difficulties arise in giving effect to any provisions of this Regulation, the Commission may, by general or specific order, make such provisions not inconsistent with the provisions of the Act, or the Reform Act or the rules, regulations or codes made thereunder, which appears to it to be necessary or expedient for the purpose of removing the difficulties.

This Order is signed by the Andhra Pradesh Electricity Regulatory Commission on --/--/ 2017

**P. RAMA MOHAN  
MEMBER (PRM)**

**G. BHAVANI PRASAD  
CHAIRMAN**

**Application form for grant of Transmission Licence  
Particulars of the Applicant**

i)	Name of the Applicant	:	
ii)	Status	:	Individual/Partnership form/Private Limited Company/Public Limited Company
iii)	Address	:	
iv)	Name, Designation & Address of the contact person	:	
v)	Contact Tel. Nos.	:	
vi)	Fax No.	:	
vii)	E-mail ID	:	
viii)	Place of Incorporation/Registration	:	
ix)	Year of Incorporation/Registration	:	
x)	Following documents are to be enclosed	:	
	a) Certificate of registration/incorporation	:	
	b) Memorandum of Association and Articles of Association	:	
	c) Original Power of Attorney of the signatory to commit the Applicant or its promoter	:	
	d) Details of Income tax Registration	:	PAN: TAN:

**2) Particulars of the Project for which licence is being sought:**

(a) Transmission Lines:

S.No.	Name (end- Points location)	Voltage Class (kV)	Length (Km)	Type (S/C or D/C)

(b) Sub-stations

S.No.	Name (location)	Voltage Level(s) (kV)	Transformer (Nos. and MVA capacity)	Reactive / capacitive compensation (device with MVAR capacity)	No. of bays

(c) Commissioning schedule;

(d) Identified Long-term transmission customers of the Project:

(Agreements or status of discussion on Agreements to be submitted along with application)

(e) Any other relevant information

3) Levelised transmission charges in case of project selected through the transparent process of competitive bidding and estimated completion cost of the project in other cases:

*(The levelised transmission charges estimated cost should be indicated in INR, along with the base month and year in case of the estimated cost)*

4) In case applicant has been selected in accordance with the guidelines for competitive bidding, enclose:

(a) Recommendation of selection by the Empowered Committee

(b) Evaluation report made public by the Bid Process Coordinator.

5) List of documents enclosed:

**Name of documents**

a)

b)

c)

Date:

Place:

(Signature of the Applicant)



**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)**

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

(To be published in each of a daily news paper in English

language and two daily news papers in Telugu language having wide circulation in the State of Andhra Pradesh.)

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, 2013, has made an application before the Andhra Pradesh Electricity Regulatory Commission, Hyderabad 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/Sub- station (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 <sup>5</sup>

**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 be clearly mentioned whether any of the assets will traverse or will be located, wholly are 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 or up to a distance of 2 km

2. Complete application and other documents filed before the Commission are available on the web site of APERC ([www.aperc.gov.in](http://www.aperc.gov.in)) and applicants website.....(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, APERC, 11-4-660, 4<sup>th</sup> Floor, Singareni Bhavan, Red Hills, Hyderabad – 500 004, 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:

Name and Designation of the  
Authorised signatory

Date:

ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION

HYDERABAD

TRANSMISSION LICENCE

- 1) The Andhra Pradesh 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 this licence to M/s ..... (Hereinafter referred to as the licensee) to construct, 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 General conditions of the Transmission Licence specified under the “Andhra Pradesh Electricity Regulatory Commission Transmission Licence Regulation, 2017” which shall be read as part and parcel of this licence.
- 2) Specific conditions----- (if any)
- 3) 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 Andhra Pradesh Electricity Regulatory Commission Transmission Licence Regulation, 2017.
- 4) Wherever there is a contradiction between the General Conditions contained in this licence and the Agreements, the provisions of this licence, as amended from time to time, shall apply.
- 5) This licence is not transferable.
- 6) 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.

7) The licence shall, unless revoked earlier, continue to be in force for a period of 25 (twenty five) years from the date of issue.

SECRETARY

Place: HYDERABAD

Date:

SCHEDULE

**Project Related Details:**

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

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

SECRETARY

Place: HYDERABAD

Date: