

**BEFORE THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION**

**Petition No.463/07**

**IN THE MATTER OF:** Seeking permission for construction of dedicated transmission line from its Captive Generating Plant to its Bio-tech Project.

**AND**

**IN THE MATTER OF:**

M/s Century Laminating Co. Ltd.  
Vill-Achheja, Delhi Raod,  
P.O Hapur  
Distt-Ghaziabad

: Petitioner

1. UP Power Corporation Ltd.  
Through its CMD  
Shakti Bhawan,  
14, Ashok Marg  
Lucknow
2. Paschimanchal Vidyut Vitran Nigam Ltd.  
Jagriti Vihar, Near Victoria Park,  
Meerut

: Respondents

The following were present:

1. Sri. Narendra Singh, President, M/s Century Laminating Co. Ltd.
2. Sri. Ajay Vikram Singh, Advocate, M/s Century Laminating Co. Ltd.

**ORDER**

(Date of hearing 9.8.07)

The Petitioner is seeking permission for construction of a dedicated transmission line from 1.8 MW captive generating plant (in short, the plant) set up in the premises of the Petitioner's factory to its Bio-technology project set up in the industrial area of Hapur-Pilakhua Development Authority situated 1.7 Km. away from the plant. The Counsel for the Petitioner submitted that the Petitioner owned the said Bio-tech Project and UPPCL was not allowing them to construct the transmission line for want of approval from UPERC. The Respondents were neither present in the hearing nor did they submit replies to the petition despite notice.

The Commission passed Order dt.11.6.07 in the matter of Petition no.460/07, M/s Dev Priya Papers (p) Ltd. & Ors and observed as below:

*"As per definition U/s 2(16), "dedicated transmission lines" means any electrical line for point to point transmission which is required for the purpose of connecting electric lines or electric plants of a captive generating plants to any transmission lines or sub-stations or generating stations or the load center as the case may be. The Central Government, in 5<sup>th</sup> Order made for removal of difficulties, has clarified that a generating company or a person setting up a captive generating plant shall not be required to obtain*

*licence for establishing, operating & maintaining a dedicated transmission line if such company or person complies with Grid Code and Standards of Grid Connectivity, Technical Standards for construction of electrical lines, system of operation of such a dedicated transmission line as per the norms of system operation of the concerned State Load Dispatch Center or Regional Load Dispatch Center, directions of concerned State and/or Regional Load Dispatch Center regarding operation of dedicated transmission line. Regarding requirement of licence, the Electricity (Amendment) Act,2007, came into force on 28.5.07, provides that no licence shall be required for supply of electricity generated from a captive generating plant to any licensee and to any consumer subject to regulations made under sub-section 2 of section 42 of EA,03.*

*In this case, the Petitioners are envisaging construction of dedicated transmission lines for carrying electricity from the plant set up at the site of Petitioner no.1 to the load centers of Petitioners no.2&3 for their own use. The aforesaid Statuary provisions have created a right in favor of any person who desires to set up, maintain and operate a captive generating plant and dedicated transmission lines for supply of electricity to destination of his own use or the use of members or a distribution licensee or a consumer without obtaining a licence for setting up, maintaining and operating such captive generating plant and dedicated transmission lines. However, the said right is subject to Regulations made under section 42(2) of the Act,03 which shall mean UPERC (Terms & Conditions of Open Access) Regulation, 2004 and, inter alia, above mentioned provisions of the Act,03, the Amendment Act,07 and 5<sup>th</sup> Order of the Central Government. Therefore in consideration of above, the Petitioners are entitled to undertake the proposed activities”.*

In light of the observations made in the above Order, this Petitioner is also entitled to undertake construction of dedicated transmission for carrying electricity from its Plant to it's Bio-tech Project.

The petition is disposed.

(R.D Gupta)  
Member

(P.N Pathak)  
Member

Lucknow; Dated: 22<sup>nd</sup> Aug, 2007