

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.32/MP/2014

Subject : Petition under Sections 61, 63 and 79 of the Electricity Act, 2003 read with the statutory framework for tariff based competitive bidding for transmission service.

Date of hearing : 13.5.2014

Coram : Shri Gireesh B. Pradhan, Chairperson
Shri M.Deena Dayalan, Member
Shri A.K. Singhal, Member

Petitioner : East-North Interconnection Company Ltd

Respondent : Jodhpur Vidyut Vitran Nigam Ltd and others

Parties present : Shri Amit Kapur, Advocate for the petitioner
Shri Vishrov Mukherjee, Advocate for the petitioner
Ms.Rimali Batra, Advocate for the petitioner
Shri Pardeep Mishra, Advocate, Rajasthan Discom
Shri Daleep Dhyani, Advocate, Rajasthan Discom

Record of Proceedings

Learned counsel for the petitioner submitted as under:

- (a) The present petition has been filed under section 79 of the Electricity Act, 2003 seeking adjustment of tariff applicable for the inter-State transmission system due to force majeure events and change in law.
- (b) The Commission in its order dated 28.10.2010 in Petition No. 130/2010 has adopted the tariff of the transmission system and in order dated 28.10.2010 in Petition No. 131/2010 has granted licence to the petitioner for inter-State transmission of electricity.
- (c) The Commission vide orders dated 8.5.2013 and 31.7.2013 in Petition No. 162/MP/2011 has already provided relief to the petitioner under 'Change in Law' on account of forest clearance.

(d) In the present petition, the petitioner has sought relief on account of the following in the implementation of the project:

- (i) Delay in the grant of forest clearance;
- (ii) Riots in Kokrajhar;
- (iii) Bandhs in Assam;
- (iv) Obstruction at Mahendrapur village;
- (v) Floods in Bihar and Uttarakhand.

(e) Notices were issued to LTTCs in terms of Article 12 and 13 of the TSA from time to time for the occurrence of events and to resolve the issues. However, no response has been received from LTTCs till date.

(f) 400 kV D/C Purnia-Biharsharif line has been commissioned on 13.9.2013 and substantial progress has been achieved in 400 kV D/C Bongaigaon-Siliguri line.

(g) Since the petitioner has incurred ₹ 85 crore towards forest clearance, it is entitled to 6.8% increase in the non escalable transmission charges under Article 12.2.1 of the TSA.

2. Shri Padamjit Singh, Chief Engineer (Retd.), PSEB appearing in its individual capacity sought permission to make submission on the question of maintainability of the petition. He requested the Commission to direct the petitioner to upload petition in its website for information of general public.

3. Learned counsel for the Rajasthan Discom sought permission to file its reply on the maintainability of the petition.

4. After hearing learned counsel of the petitioner, the Commission directed to issue notices to the respondents.

5. The Commission directed the petitioner to serve copy of the petition on the respondents and Shri Padamjit Singh by 23.5.2014. The respondents were directed to file their replies by 13.6.2014, with an advance copy to the petitioner, who may file its rejoinder, if any, on or before 27.6.2014.

6. As regards the request of Shri Padamjit Singh, the Commission directed the staff to examine whether petitions involving contractual disputes between the parties can be open for participation by public. Pending decision on the issue, the Commission directed

the petitioner to share a copy of the petition with Shri Padmjit Singh which will not be quoted as a precedent for future.

7. The petition shall be listed for hearing on 8.7.2014 on admissibility.

By order of the Commission

Sd/-
(T. Rout)
Chief (Law)