

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 216/MP/2016

Subject : Petition under Section 63 and 79 (1) (f) read with Section 79 (1) (c) of the Electricity Act, 2003 seeking compensatory and declaratory relief under the Transmission Services Agreement dated 7.12.2010 on account of 'Change in Law' and 'Force Majeure ' events.

Date of hearing : 8.12.2016

Coram : Shri Gireesh B. Pradhan, Chairperson
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member

Petitioner : Bhopal Dhule Transmission Company Limited.

Respondents : Chhattisgarh State Power Trading Company Limited Company Limited and Others

Parties present : Shri Sitiesh Mukherjee, Advocate, BDTCL
Shri Deep Rao, Advocate, BDTCL
Shri T.A.N Reddy, BDTCL
Shri Rohit Gera, BDTCL

Record of Proceedings

Learned counsel for the petitioner submitted that the present petition has been filed under Section 79 (1) (f) read with Section 79 (1) (c) of the Electricity Act, 2003 seeking compensatory and declaratory relief under the Transmission Services Agreement dated 7.12.2010 on account of Change in Law and Force Majeure events.

2. Learned counsel for the petitioner further submitted that the project was scheduled to be commissioned on 31.3.2014. However, due to unforeseen and uncontrollable events, namely delay in grant of forest clearance, grant of Section 164 authorization, finalization of coordinates of gantry of PGCIL's sub-station and change in taxes, etc. SCOD of the project could not be achieved within time.

3. After hearing the learned counsel for the petitioner, the Commission admitted the petition and directed issue of notices to the respondents. The petitioner directed the petitioner to serve copy of the petition on the respondents immediately.

4. The Commission directed the respondents to file their replies by 21.12.2016 with an advance copy to the petitioner, who may file its rejoinder, if any by 2.1.2017.

5. The Commission directed the petitioner to file the following information on affidavit by 30.12.2016:

(a) Whether PFCCCL had indicated about the requirement of forest clearance in the RfP bid and if so, whether the petitioner had made the survey and factored all expenditure relating to forest clearance or not?

(b) The reasons for delay in commissioning of bays of PGCILs sub-station at Vadodara. Whether the petitioner brought this fact to the notice of the CEA and CTU? All relevant correspondences to be placed on record.

(c) The details of the items of expenditure on which the taxes and duties have been levied, supported by Auditor's Certificate.

(d) Whether the notices for revision of tax and rates have been issued to the LTTCs in terms of the TSA.

(e) The details of the interim arrangement for termination of transmission line at Waghodia, Vadodara and the authority for such interim arrangement.

6. The Commission directed that due date of filing the information, replies and rejoinders should be strictly complied with. No extension shall be granted on that account.

7. The petition shall be listed for hearing on 17.1.2017.

By order of the Commission

**Sd/-
(T. Rout)
Chief (Legal)**