

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 110/MP/2016

Subject : Petition under Section 79(1) (f) read with Section 79 (1) (c) of the Electricity Act, 2003 seeking compensatory and declaratory relief under the Transmission Service Agreement dated 6.8.2013 on account of 'Change in Law' and 'Force Majeure' events.

Date of hearing : 15.9.2016

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

Petitioner : Purulia and Kharagpur Transmission Company Limited

Respondents : Power Grid Corporation of India Limited and Others

Parties present : Shri Gautam Chawla, Advocate, PKTCL

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 Service Agreement dated 6.8.2013 on account of 'Change in Law' and 'Force Majeure' events.

2. Learned counsel for the petitioner further submitted that the petitioner has started the construction of transmission lines from 9.12.2013 but due to unforeseen and uncontrollable events, the petitioner is not able to complete the project in time. Learned counsel for the petitioner submitted that the construction of Purulia-Ranchi 400 kV Quad D/C transmission line has been adversely affected due to Force Majeure and/or change in law events, namely delay in finalization of termination point at Purulia end of PR Line, shifting of the termination point from the existing Purulia PSP 400KV GIS substation to proposed New Purulia PSP 400KV substation, cancellation of initial forest land diversion application and resubmission of revised forest diversion application due to inter-section with the proposed Turganala Dam and delay in grant of forest clearance, etc.

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

4. The Commission directed the respondents to file their replies by 7.10.2016 with an advance copy to the petitioner who may file its rejoinder, if any, by 24.10.2016.

5. The Commission directed the petitioner to provide the following information on affidavit, on or before 7.10.2016:

- (a) Pert chart detailing the different activities envisaged to be undertaken to complete the project.
- (b) Activities which has been affected by the Force Majeure.
- (c) Dates of commencement and dates of creation of Force Majeure and whether notices have been given as per the provision of the TSA.
- (d) Details of the items of expenditure on which the enhanced taxes and duties have been paid, supported by Auditor's Certificate.
- (e) All correspondences regarding grant of forest clearance.

6. The petition shall be listed for hearing on 27.10.2016. Pleadings in the matter shall be completed on or before the said date of hearing. No extension of time shall be granted for any reason whatsoever.

By order of the Commission

SD/-

**(T. Rout)
Chief (Legal)**