

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 42/RP/2016 in 236/MP/2015

Petitioner : Power Grid Corporation of India Limited.

Respondents : Kudgi Transmission Limited & Others

Petition No. 44/RP/2016 in 236/MP/2015

Petitioner : NTPC Limited.

Respondents : Kudgi Transmission Limited & Others

Subject : Petition for review of the Order dated 27.6.2016 in Petition No. 236/MP/2015

Date of hearing : 19.1.2017

Coram : Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member

Parties present : Shri Sitesh Mukherjee, Advocate, PGCIL
Ms. Akansha Tyagi, Advocate, PGCIL
Shri Gautam Chawla, Advocate, PGCIL
Shri Aryaman Saxena, PGCIL
Ms. Manjugupta, PGCIL
Ms. Suparna Srivastava, Advocate, NTPC
Shri B S Rajput, NTPC
Shri V. K. Jain, NTPC
Shri Nishant Gupta, NTPC
Shri Rohit Chhabra, NTPC
Shri Alok Shankar, Advocate, KTL
Ms. Srishti Govil, Advocate, BESCO

Record of Proceedings

Learned counsel for NTPC requested for time to file rejoinder to the reply filed by Kudgi Transmission Limited (KTL). Learned counsel for the respondents had no objection in this regard.

2. Learned counsel for PGCIL submitted that since PGCIL is neither a party to the TSA nor has signed any Indemnification Agreement with KTL, no liability can be fastened to PGCIL due to mismatch of the commissioning dates of the first element of the transmission line and the new Narendra sub-station. Learned counsel further submitted that it is settled principle of law that in the absence of a contract, there cannot be a penalty for a third party to the contract without the force of law. Therefore, PGCIL is not liable to pay the transmission charges to KTL as directed by the Commission in order dated 27.6.2016 in Petition No. 236/MP/2016.

3. The Commission directed the review petitioner to file its rejoinder by 15.2.2017 with an advance copy to the respondents. The Commission directed the review petitioner that due date of filing rejoinder should be strictly complied with. No extension shall be granted on that account.

4. The petition shall be listed for hearing on 28.2.2017.

By order of the Commission

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