

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No. 194/MP/2017
Alongwith IA Nos. 24/2018 and 25/2018**

Subject : Petition under Sections 61, 63, 79(1)(c) and 79(1)(f) of the Electricity Act, 2003 read with Article 16 of TSA and the tariff based competitive bidding guidelines for transmission service, for claiming relief under TSA dated 14.3.2016 relating to implementation of the transmission Project Elements.

Date of Hearing : 31.5.2018

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

Petitioner : North Karanpura Transco Limited (NKTL)

Respondents : Jharkhand Bijli Vitran Nigam Limited and Others

Parties present : Shri Sanjay Sen, Senior Advocate, NKTL
Shri Hemant Singh, Advocate, NKTL
Shri Nishant Kumar, Advocate, NKTL
Shri Matrugupta Mishra, Advocate, NKTL
Ms. Ankita Bafna, Advocate, NKTL
Ms. Shikha Ohri, Advocate, NKTL
Shri Bhavesh Kundalia, NKTL
Shri Jagdeep Dhankar, Senior Advocate, CCL and MoC
Shri Anshuman, Advocate, CCL and MoC
Ms. Molshree Bhatnagar, Advocate, RECTPCL
Shri Shivam Sinha, Advocate, RECTPCL
Shri Ashwani Kumar, RECTPCL
Capt. Karan Singh Bhati, Advocate, CMPDI
Shri T. Gopal, Advocate, CMPDI
Shri Vivek Singla, Adani

Record of Proceedings

Learned senior counsel for the Petitioner submitted that the Petitioner has filed the IA No.24/2018 and IA No.25/2018 for seeking amendment of the petition and for continuation of the interim protection granted by the Commission vide RoP dated 10.4.2018 respectively. Learned senior counsel for the Petitioner further submitted as under:

(a) CEA vide letter dated 13.12.2017 requested the Central Coalfields Ltd. (CCL) to grant NOC to the Petitioner. Further, CEA vide letter dated 2.1.2018 informed the Petitioner that the CCL would process the approval for NOC for transmission lines on the BPC recommended routes with slight modification subject to the condition that an undertaking should be submitted to CCL to re-route the line within 24 months to undertake the mining activities from the date of notice by CCL.

(b) Subsequently, the Petitioner provided an undertaking dated 3.1.2018 to CEA regarding re-routing of the 400 kV NK-C transmission line to a suitable alternate corridor. However, despite making several efforts to secure requisite NOCs, no such NOC was issued to the Petitioner for facilitating the implementation of the transmission project.

(c) Due to non-issuance of NOC from the Ministry of Coal (MoC), CCL and CMPDI, the transmission project could not be implemented which is beyond the control of the Petitioner and thus fall under the force majeure events under Article 11 of the TSA. Therefore, due to the continuation of the force majeure events, the Petitioner has terminated the TSA dated 14.3.2016 vide letter dated 13.4.2018 under Article 4.4.2 read with Article 11 and 13.5 of the TSA.

(d) Learned senior counsel for the Petitioner requested the Commission to continue the interim protection granted vide RoP dated 10.4.2018, till the adjudication of the amended petition.

2. Learned senior counsel for the MoC and CCL submitted that a meeting was convened on 10.5.2018 to resolve the issue of granting NOC. However, due to the certain recent developments, the meeting is required to be convened again.

3. On a specific query of the Commission as to what steps are being taken by CEA, MoC and CCL with regard to the alternate evacuation of power, learned senior counsel for MoC and CCL requested for one weeks time to file the requisite information in this regard. The Commission sought the MoC and CCL to file on an affidavit the requisite information.

4. Learned counsel appearing on behalf of RECTPCL accepted the notice in IA and requested for time to file reply on the IAs.

5. After hearing the learned senior counsels for the Petitioner and MoC and CCL, the Commission admitted the IAs and directed to issue notice to the respondents.

6. The Commission directed the Petitioner to serve copy of the IAs on the respondents immediately, if not served already. The respondents were directed to file their replies on IA, by 28.6.2018, with an advance copy to the Petitioner, who may file its rejoinder, if any, by 17.7.2018. The Commission directed that due date of filing the replies and rejoinders should be strictly complied with. No extension shall be granted on that account.

7. The Commission requested the Ministry of Coal to convene a meeting with CEA, CCL, CPMDI, NTPC, BPC to resolve the issue and find an amicable solution in the matter.

8. The Commission directed the LTTCs not to take any coercive measure till the next date of hearing.

9. The petition and IAs shall be listed for hearing on 26.7.2018.

By order of the Commission

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