

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 100/MP/2018**

- Subject : Petition under Section 79(1)(f) and (k) of the Electricity Act, 2003 read with Regulation 68 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 seeking indulgence of the Commission to direct NTPC Vidyut Vyapar Nigam Limited to comply with the order dated 11.10.2017 in Petition No.16/MP/2014 by computing the delay suffered by the Generation Project due to force majeure eventualities and revise the Schedule Commercial Operation Date for the Generation Project.
- Date of Hearing : 7.2.2019
- Coram : Shri P. K. Pujari, Chairperson  
Dr. M. K. Iyer, Member  
Shri I.S. Jha, Member
- Petitioner : Megha Engineering and Infrastructures Limited (MEIL)
- Respondent : NTPC Vidyut Vyapar Nigam Limited (NVVNL)
- Parties present : Shri Nishant Talwar, Advocate, MEIL  
Shri Anand Shrivastva, Advocate, MEIL  
Shri M.G. Ramachandran, Advocate, NVVNL  
Shri Shubham Arya, Advocate, NVVNL  
Ms. Tanya Sareen, Advocate, NVVNL  
Ms. Anushree Bardhan, Advocate, NVVNL  
Shri Nishant Gupta, NVVNL  
Shri Amit Chawla, NVVNL

**Record of Proceeding**

Learned counsel for the Petitioner submitted that the present petition has emanated from the order of the Commission dated 11.10.2017 in Petition No. 16/MP/2014, wherein the Commission had held the incident of drought as a force majeure event and the same being covered under the force majeure clause of the PPA. Learned counsel further submitted that the Commission had in its order dated 11.10.2017 directed the Respondent, NVVNL to ascertain the duration of drought based on the necessary notification/circular issued by the Govt. of Andhra Pradesh and revised the SCOD of the Petitioner's project accordingly. However, the Respondent has

not declared SCOD even after making available the document related to the period of drought as declared by the Govt. of Andhra Pradesh from time to time. Accordingly, the Petitioner has filed the present Petition for seeking direction to the Respondent to comply with the order dated 11.10.2017 and compute the delay suffered by the Petitioner's project due to force majeure event and revise the SCOD.

2. Learned counsel for the Respondent objected to the prayers sought by the Petitioner and submitted that the Commission's order dated 11.10.2017 only refers to one of the notifications issued by the Govt. of Andhra Pradesh and other three notifications of drought referred by the Petitioner are not on record. Learned counsel further submitted that the Petitioner has not impleaded the distribution companies as party to the Petition whereas the distribution companies were impleaded in Petition No. 16/MP/2014.

3. After hearing the learned counsel for the parties, the Commission observed that vide order dated 11.10.2017, the Commission had held the incident of drought as a force majeure event and had directed the Respondent to compute the period of delay on the basis of necessary notification/circular issued by the Govt. of Andhra Pradesh. The Commission directed the Petitioner to amend the Petition and place on record all the four notifications of drought issued by Govt. of Andhra Pradesh.

4. The Commission further directed the Petitioner to implead the distribution companies as parties in the present Petition and file the amended Petition.

5. The Petition shall be listed for hearing in due course for which separate notice will be issued.

**By order of the Commission**

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