

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 308/MP/2019

Subject : Petition under Section 63 and 79(1)(c) and 79(1)(f) of the Electricity Act, 2003 seeking an extension in Scheduled Commercial Operation Date along with compensatory and declaratory relief under the Transmission Services Agreement dated 14.3.2016 on account of Force Majeure and Change in Law events.

Petitioner : Khargone Transmission Limited (KTL)

Respondents : Madhya Pradesh Power Management Company Limited (MPPMCL) & Ors.

Date of Hearing : 11.12.2019

Coram : Shri P. K. Pujari, Chairperson
Dr. M. K. Iyer, Member
Shri I.S. Jha, Member

Parties present : Shri Sanjay Sen, Sr. Advocate, KTL
Shri Saahil Kaul, Advocate, KTL
Shri T. A. N Reddy, KTL
Ms. Anisha Chopra, KTL
Shri Agam Kumar, KTL
Shri Manoj Dubey, Advocate, MPPMCL
Shri Sachin Jain, Advocate, NTPC

Record of Proceedings

Learned senior counsel for the Petitioner submitted that the Petitioner has filed the present Petition seeking extension in the Scheduled Commercial Operation Date along with compensatory and declaratory reliefs under the Transmission Services Agreement dated 14.3.2016 on account of Force Majeure and Change in Law events. Learned senior counsel further submitted as under:

(a) In pursuance of the Commission's direction dated 21.10.2019 in IA No. 78/2019, NTPC vide its letter dated 21.11.2019 has informed that Unit 2 of the Power Project would be commissioned in February, 2020 and would be synchronized in December, 2019. Accordingly, the Petitioner would make ready all the elements of its Project except for Khandwa-Dhule 765 kV D/C transmission line (KD Line) matching with the commissioning schedule of Unit 2.

(b) The Petitioner has already completed the Khandwa Sub-station and Khandwa pool-Indore 765 kV D/C transmission line. Electrical inspection of these elements has been carried out by the Central Electricity Authority on 6.12.2019 and 7.12.2019. Further, Khargone TPP Switchyard-Khandwa pool 400 kV D/C (Quad) line is also expected to be commissioned in December, 2019.



(c) In respect of KD Line, the approved route of KD Line under Section 164 of the Electricity Act, 2003 traversed from the Khargone and Khandwa districts of Madhya Pradesh to the Dhule district of Maharashtra. However, as the said route was intersecting with the proposed land for the Jamfal-Kanoli-Sulwade Lift Irrigation Project ('Jamfal Dam'), the Petitioner was prevented from carrying out the construction activities on the route by the Minor Irrigation Division of Dhule, Divisional Forest Officer and the District Collector, Dhule despite having obtained forest clearances and approval under Section 164 of the Act.

2. In response to the Commission's query as to whether the Petitioner had carried out its independent survey of transmission lines associated with the Project, learned senior counsel sought permission to file an additional affidavit along with requisite documents to establish that the delay in commissioning of the Project was due to Change in Law and Force Majeure events, which were beyond the control of the Petitioner.
3. Learned counsel for the Respondent No.1, Madhya Pradesh Power Management Company Limited (MPPMCL) submitted that the issues raised in the present petition are pre-mature at this stage.
4. Learned proxy counsel for the Respondent No. 8, NTPC Limited, requested for adjournment on account of non-availability of its arguing counsel.
5. After hearing the learned senior counsel for the Petitioner and learned counsels for the Respondents, MPPMCL and NTPC, the Commission directed the Petitioner to file additional affidavit on or before 20.12.2019 with an advance copy to the Respondents. The Respondents are directed to file their response, if any, by 30.12.2019. The Commission directed that the due date of filing the additional affidavit and response shall be strictly complied with.
6. The Petition shall be listed for hearing in due course for which separate notice shall be issued.

By order of the Commission

**Sd/-
(T.D. Pant)
Deputy Chief (Legal)**

