

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 264/MP/2020**

- Subject : Petition under Sections 63 and 79(1)(c) and (d) of the Electricity Act, 2003 read with Regulation 86 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 for providing relief under Change in Law, Article 12.2 of Transmission Service Agreement for Transmission System associated with Gadarwara Super Thermal Power Station (2x800 MW) of NTPC (Part-B).
- Petitioner : Power Grid Parli Transmission Limited (PPTL).
- Respondents : Maharashtra State Electricity Distribution Company Limited (MSEDCL) and 8 Ors.

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- Petitioner : Power Grid Warora Transmission Limited (PWTL).
- Respondents : MP Power Management Company Limited (MPPMCL) and 8 Ors.
- Date of Hearing : 25.8.2020
- Coram : Shri P. K. Pujari, Chairperson  
Shri I. S. Jha, Member  
Shri Arun Goyal, Member
- Parties present : Shri M. G. Ramachandran, Sr. Advocate, PPTL & PWTL  
Ms. Ranjitha Ramachandran, Advocate, PPTL  
Shri Shubham Arya, Advocate, PWTL  
Shri Shashwat Kumar, Advocate, MSEDCL  
Ms. Himangini Mehta, Advocate, MSEDCL  
Shri Rahul Chouhan, Advocate, MSEDCL  
Shri Manoj Dubey, Advocate, MPPMCL  
Shri BVR Mohan, PPTL  
Shri V C Sekhar, PPTL



Shri C S Gupta, PWTL  
Shri Prashant Kumar, PTWL  
Shri Rajeev Gupta, MPPMCL

### **Record of Proceedings**

The matters were heard through video conferencing.

2. Learned senior counsel for the Petitioners circulated note on arguments and advanced extensive submissions on the various Change in Law events that have occurred during the implementation of the transmission system, namely, (a) increase in acquisition price of Special Purpose Vehicle, (ii) Notification regarding GST issued by Government of India, (iii) Notification of payment of land compensation by Governments of Maharashtra and Madhya Pradesh, and regarding increase in cost to be allowed on account of above Change in Law events.

3. Learned counsel for the Respondent, MSEDCL referred the details of land compensation paid and claimed by the Petitioner and submitted that there is no clarity in the justification furnished by the Petitioner towards such claims. He further added that even considering the increase in land compensation for tower base to twice the ready reckoner/ market rate vide Government of Maharashtra's GR, 2017, substantial increase in the expenditure incurred by the Petitioner i.e. from Rs.1.66 crore to Rs. 13.33 crore is not tenable.

4. In response, learned senior counsel for the Petitioners submitted that the land compensation amount indicated by the Petitioners is the actual paid amounts as certified by the Auditor. He added that as per Government of Maharashtra's GR 2010, land compensation for tower base was categorized into 4 types depending upon the type of land varying from 25% for dry irrigated land to 65% for non-agriculture land. However, as per GR, 2017, land compensation for tower base has been increased to twice the ready reckoner / market rate.

5. After hearing the learned senior counsel for the Petitioner and the learned counsel for the Respondent, the Commission directed the Petitioners to provide the following details/ information, on affidavit, on or before, 15.9.2020:

(a) Copy of the orders of district administration for payment towards land compensation to the Respondents for the respective States;

(b) An affidavit to the effect that payment towards land compensation has been made as per orders of the State Government and district administration;

(c) Auditor certificate certifying year-wise land compensation amount paid, prior to the financial year 2017-18; and

(d) Copy (with English Translation) of the Government of Maharashtra's GR, 2010.



6. Subject to the above, the Commission reserved order in Petitions.

**By order of the Commission**

**SD/-  
(T.D. Pant)  
Deputy Chief (Law)**

