

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 90/MP/2020

- Subject : Petition under Sections 63 and 79 (1)(f) of the Electricity Act, 2003 read with statutory framework and Article 11 and Article 12 of the Transmission Service Agreement dated 4.3.2016 executed between Gurgaon Palwal Transmission Limited and its Long-Term Transmission Customers for compensation due to Change in Law and seeking extension to the Scheduled Commissioning Date of the relevant elements of the Project on account of Force Majeure events.
- Petitioner : Gurgaon Palwal Transmission Limited (GPTL)
- Respondents : UTC, Chandigarh and Ors.
- Date of Hearing : 11.6.2020
- Coram : Shri P. K. Pujari, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
- Parties present : Shri Sitesh Mukherjee, Advocate, GPTL
Shri Aryaman Saxena, Advocate, GPTL
Ms. Harneet Kaur, Advocate, GPTL
Shri TAN Reddy, GPTL
Ms. Anisha Chopra, GPTL

Record of Proceedings

The matter was listed for hearing through video conferencing.

2. Learned counsel for the Petitioner submitted that present Petition has been filed, *inter-alia*, seeking (i) extension in the Scheduled Commercial Operation Date (SCOD) of certain elements due to Force Majeure events detailed in the Petition, and (ii) compensation for additional expenditure incurred by the Petitioner on account of pro-rata revision in the amount for compensatory afforestation by the Divisional Forest Officer and introduction of Goods and Services Act, 2017. Learned counsel requested to issue notice to the Respondents.
3. In response to a specific query of the Commission regarding status of the Project, learned counsel for the Petitioner submitted that all assets of the Project have achieved the COD.
4. After hearing the learned counsel for the Petitioner, the Commission admitted the Petition and directed to issue notice to the Respondents.



5. The Commission directed the Petitioner to implead Haryana Vidyut Parsaran Nigam Limited (HVPNL) as party to the Petition and to file revised memo of parties by 20.6.2020. The Petitioner was further directed to serve copy of the Petition on the Respondents including HVPNL immediately, if not already served. The Respondents including HVPNL were directed to file their reply by 29.6.2020 with advance copy to the Petitioner who may file its rejoinder, if any, by 10.7.2020.

6. The Commission further directed the Petitioner to file the following details/information on affidavit, by 26.6.2020:

(a) Present status of all elements of the Project and their actual COD along with the status of the entire Project and its COD supported by RLDC Certificate.

(b) Details of force majeure events claimed in a tabular form.

(c) Details of applications for grant of forest clearance for AP line, clearly indicating areas for which forest clearance have been delayed alongwith date of applications and permission granted in a tabular form.

(d) Total impact of GST. Auditor certified calculation (in comparison with original tax estimation based on original estimated project cost) of the amount claimed due to introduction of GST mentioning the adjustment of service tax and other such taxes/duties which were earlier envisaged in the project cost estimations, however, subsumed in GST alongwith supporting documents. Details of reduction in the rate of other taxes, if any, contributing to reduction of capital cost during construction period separately.

(e) Details in support of revision in the amount for compensatory afforestation paid alongwith Auditor Certificate.

(f) As per Article 3.1.3.c of the TSA, TSP is required to submit Project Execution Plan to match SCOD with detailed Bar "GANTT" chart with linkages as well as durations to all LTTCs and CEA, within 120 days from the effective date i.e., by 11.11.2016. Submit a copy of such Plan/GANTT Chart to analyse the above time delays on account of force majeure events claimed in the Petition.

7. The Commission directed that due date of filing of reply, rejoinder and details/information should be strictly complied with.

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

By order of the Commission

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

