

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Coram:
Dr. Pramod Deo. Chairperson
Shri S. Jayaraman, Member
Shri V.S.Verma, Member
Shri M.Deena Dayalan, Member

Date of Hearing: 12.3.2013

Petition No.169/2011

Sub: Miscellaneous petition under Section 79 (1) (c) and (f) of the Electricity Act, 2003.

Petitioner : North Karanpura Transmission Co. Ltd.

Respondents Maharashtra State Electricity Distribution Co. Ltd., and Others

Petition No. 170/2011

Sub: Miscellaneous petition under Section 79 (1) (c) and (f) of the Electricity Act, 2003.

Petitioner : Talcher- II Transmission Co. Ltd.

Respondents Tamil Nadu Electricity Board and Others

Parties present : Shri Amit Kapoor, Advocate for petitioners
Miss Aproova Misra, Advocate for Petitioners
Shri Janmali Manikala, Advocate for Petitioners
Shri Alok Roy, RPTL
Shri Anil Rawal, RPTL
Shri A.K.Asthana, RPTL
Shri Dilip Rozekar, PGCIL

Shri V.Vamsi, PGCIL
Shri S.Vallinayagam, Advocate, TANGEDCO
Shri R.K.Mehta, Advocate
Shri Vivek Narayan Sharma, Advocate, PVVNL
Shri Ravi Prakash, Advocate, MSEDCL
Shri Abhishek Mitra, Advocate, MSEDCL
Shri M.G.Ramchandran, Advocate, GUVNL
Shri R.B.Sharma, Advocate, GRIDCO
Shri Padamjit Singh, PSPCL

Record of Proceedings

Learned counsel for the respondent MSEDCL submitted that there has been a change in the circumstances since the project was awarded in 2009 and hence the viability of the project in present time was in question. Therefore, the matter be referred to the CEA to conduct study of its viability taking into account the change in circumstances. In response, the Commission clarified that limited question which is involved in the present petition is whether non-grant approval under Section 164 of the Act is a force majeure event or not and arguments on the aforesaid issue has already been addressed. The issue of the viability of the project will be considered in the Petitions filed by the PGCIL seeking cancellation of the licenses of NKTCL and TTCL.

2. Learned counsel of the petitioners submitted that in terms of the claims made by the Respondent regarding the viability of the Projects, it is agreeable to refer the matter to the CEA.

3. The representative for PSPCL submitted that there has been great inconvenience caused to the end term beneficiaries due to delay in implementation of the project. He requested that before the claim of loss of opportunity of the petitioners is considered, the Commission may consider what damage has been done to the end beneficiaries. The representative for PSPCL further submitted that not a single tower has been erected in pursuance of the NKTCL project. He further submitted that the additional information sought by it has not be provided as per its request vide letter dated 11.2.2013.

4. Learned counsel for the petitioners submitted that the petitions were filed on 8.8.2011. The request for additional information has come at this very late stage of the matter and numerous hearings have taken place before the Commission. Learned counsel requested to inquire from all the parties as to whether any further submissions were required to be made on the issues raised in the petitions. In response, learned

counsel for GUVNL submitted that the written submissions have been filed by the parties in the petitions.

5. As regards the TTCL petition, learned counsels for GRIDCO and TNEB submitted that the arguments in the said matter have already been concluded and parties have filed their written submissions.

6. After hearing the parties present, Commission reserved order in the petitions.

By Order of the Commission

sd/-
(T. Rout)
Joint Chief (Law)