

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 110/MP/2016

Subject : Petition under Section 79 (1) (f) read with Section 79 (1) (c) of the Electricity Act, 2003 seeking compensatory and declaratory relief under the Transmission Services Agreement dated 6.8.2013 on account of the Change in Law and Force Majeure events.

Date of hearing : 3.11.2016

Coram : Shri Gireesh B. Pradhan, Chairperson
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member

Petitioner : Purulia & Kharagpur Transmission Company Limited.

Respondents : Power Grid Corporation of India Ltd. and others.

Parties present : Shri Sitiesh Mukherjee, Advocate, PKTCL
Shri Gautam Chawla, Advocate, PKTCL
Shri Phaguni Lal, Advocate, PKTCL
Shri T.A. Reddy, PKTCL
Shri Harshit Gupta, PKTCL
Shri Rohit, PKTCL

Record of Proceedings

Learned counsel for the petitioner submitted that as per the Commission's direction dated 15.9.2016, the petitioner, vide its affidavit dated 18.10.2016 has filed the information called for. Learned counsel referred to force majeure and change in law events along with delay period.

2. Learned counsel for the petitioner submitted that the inordinate delay in finalization of coordinates (or termination point) by WBSETCL was both force majeure events and change in law in terms of Articles 11 and 12 of the TSA. He further submitted that delay in finalization of coordinates resultantly led to delay in filing of forest diversion proposal. Learned counsel submitted that the coordinates finalized and communicated to the petitioner were approximately 2 kms away from the original coordinates indicated in the bid documents.

3. In response to the Commission's query regarding coordinates indicated in the bid documents and the impact of the revised coordinates, learned counsel for the petitioner submitted that the revised coordinates led the petitioner to realign its route to terminate the Purulia-Ranchi transmission line at the said coordinates.

4. None appeared on behalf of the respondents despite notice.
5. After hearing the learned counsel for the petitioner, the Commission directed the petitioner to file the bid documents and a map indicating the original and the revised coordinates on affidavit, by 25.11.2016. The Commission directed that due date of filing the information should be strictly complied with. No extension shall be granted on that account.
6. Subject to above, the Commission reserved order in the petition.

By order of the Commission

**SD/-
(T. Rout)
Chief (Legal)**