

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No. 194/MP/2017
Alongwith I.A. 62/2017**

Subject : Petition under Sections 61, 63, 79(1)(c) and 79(1)(f) of the Electricity Act, 2003 read with Article 16 of TSA and the tariff-based competitive bidding guidelines for transmission service, for claiming relief under TSA dated 14.3.2016 relating to implementation of the transmission project elements.

Date of hearing : 27.9.2017

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

Petitioner : North Karanpura Transco Limited

Respondents : Jharkhand Bijli Vitran Nigam Limited and Others

Parties present : Shri Sanjay Sen, Senior Advocate, NKTL
Shri Hemant Singh, Advocate, NKTL
Shri Nishant Kumar, Advocate, NKTL
Ms. Ankita Bafna, Advocate, NKTL
Shri Bhavesh Kundalia, NKTL
Shri Shashank Kumar, NKTL
Shri Jagdeep Dhankhar, Senior Advocate, CCL
Shri Anshuman, Advocate, CCL
Shri Shailendra Singh, NTPC
Shri Vivek Agarwal, RECTPCL
Shri Shivam Sinha, RECTPCL
Shri Amit Verma, CMPDI
Capt. K.S. Bhati, CMPDI

Record of Proceedings

Learned senior counsel for the Petitioner submitted that the present Petition has been filed for seeking extension of time for achieving SCOD of the project since the line is passing over a coal block and the permission of the competent authority to lay the line over the coal block has not been received. Learned senior counsel for the Petitioner further submitted that the Petitioner has received the copies of the replies filed by RECTPCL and CCL. Learned senior counsel for the Petitioner submitted as under:

- (a) The implementation of the project has been prevented on account of non-availability of requisite NOC from Ministry of Coal (MoC).

(b) The Petitioner has approached lead Long Term Transmission Customers (LTTCS), CEA, Ministry of Power (MoP), MoC, Central Mine Planning and Design Institute Ltd. (CMPDI) and Central Coalfields Ltd. (CCL) for grant of NOC. However, NOC has not been received till date.

(c) On 12.5.2017, CEA convened a meeting to persuade CCL and CMPDI to consider the grant of conditional NOC to the Petitioner as per the recommendation of BPC, and on the ground that the transmission system shall be dismantled after 35 years as in the case of NTPC thermal power plant. However, NOC is still awaited from the concerned authorities.

(d) Learned senior counsel for the Petitioner requested the Commission to extend the timeline for achieving SCOD and liberty to approach the Commission for cost and time overrun on account of *Force Majeure* events and Change in Law.

2. Learned senior counsel for CCL submitted as under:

(a) The route alignments provided by the RECTPCL were traversing through active mines/coal blocks of CCL for which the Petitioner is seeking NOC.

(b) The NOC to NTPC was granted by the CCEA and not by CCL/ CMPDI. However, the coal reserve below the NTPC plant is deep sheeted and the same cannot be mined by open cast method.

(c) In the meeting held on 5.9.2017 between MoC and CCL/CMPDI, MoC directed CCL/ CPMDI to furnish the technical and other details pertaining to the alignment of North Karanpura- Chandwa and North Karanpura- Gaya lines. On 18.9.2017, CCL submitted its recommendation and final formulation to MoC.

3. On a specific query of the Commission as to whether the Petitioner has served the copy of the Petition on the Respondents including the Lead LTTCS, namely Jharkhand Biji Vitran Nigam Limited, learned senior counsel for the Petitioner submitted that the copy of the Petition has already been served on the Respondents. However, no response has been received from LTTCS despite notice.

4. Learned senior counsel for the Petitioner submitted that the Petitioner has filed an I.A. requesting the Commission to restrain the LTTCS from taking any coercive measures on account of non-implementation of transmission project as per the SCOD for the reasons beyond the control of the Petitioner till the disposal of the Petition.

5. After considering the I.A., the Commission directed the LTTCS not to take any coercive measure till the next date of hearing. Accordingly, the Commission disposed of the I.A.

6. The Commission directed the Respondents to file their replies, on affidavit, by 13.10.2017 with an advance copy to the Petitioner, who may file its rejoinder, if any, on or before, 27.10.2017.

7. The Commission directed the Petitioner to furnish on an affidavit, on or before 10.10.2017, the present status of the transmission line.

8. The Commission directed CCL to furnish on an affidavit, by 18.10.2017, the Minutes of Meeting held between MoC and CCL/ CPMDI and correspondences exchanged between them.

9. The Commission directed that due date of filing the replies, rejoinder and information should be strictly complied with. No extension shall be granted on that account.

10. The Petition shall be listed for hearing on 31.10.2017.

By order of the Commission

**Sd/-
(T. Rout)
Chief (Law)**