

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

IA No.78/2019 in Petition No. 308/MP/2019

- Subject : Interlocutory Application seeking interim relief in Petition under Sections 63, 79(1)(c) and 79(1)(f) of the Electricity Act, 2003 seeking an extension in the Scheduled Commercial Operation Date along with compensatory and declaratory relief under the Transmission Service Agreement dated 14.3.2016 on account of Force Majeure and Change in Law events.
- Petitioner : Khargone Transmission Limited
- Respondents : Madhya Pradesh Power Management Company Limited and others
- Date of Hearing : 27.9.2019
- Coram : Shri P. K. Pujari, Chairperson
Dr. M. K. Iyer, Member
Shri I. S. Jha, Member
- Parties Present : Shri Sanjay Sen, Sr. Advocate, KTL
Shri Vishal Binod, Advocate, KTL
Shri Divyanshu Bhatt, Advocate, KTL
Shri TAN Reddy, KTL
Shri Agam Kumar, KTL

Record of Proceedings

Learned senior counsel for the Applicant, Khargone Transmission Limited submitted that the present Interlocutory Application (IA) has been filed *inter alia* seeking permission to delink the Khandwa Pool-Dhule 765 kV DC transmission line (KD line) from the other elements of the project so that evacuation of power can take place from the NTPC Khargone TPP without any bottlenecks using the Khargone-Khandwa pool-Indore corridor. Learned senior counsel further submitted as under:

(a) The Applicant is developing and implementing an inter-State Transmission Project on build, own, operate and maintain basis which requires establishing the transmission system for strengthening of Western Region associated with 2x660 Khargone Thermal Power Plant to be developed by NTPC Limited.

(b) In terms of the Transmission Service Agreement dated 14.3.2016 entered into with the beneficiaries, the Applicant was required to commission the said Project by July, 2019. However, due to various Force Majeure events enumerated in main Petition, the commissioning of Project has been delayed and in particular one Khandwa Pool- Dhule 765 kV D/C transmission line.



(c) NTPC vide its letter dated 22.7.2019 has acknowledged the force majeure situation faced by the Applicant and requested the Applicant to complete the Khargone TPP switchyard-Khandwa Pool-Indore corridor on priority basis

(d) CEA in the minutes of the meetings held on 29.7.2019 and 5.8.2019 regarding issues related to evacuation system for NTPC Khargone (2x660 MW) project had advised the Applicant to complete the Khargone TPP switchyard-Khandwa Pool-Indore corridor to enable evacuation of power from both units of Khargaone TPP.

(e) Since the other elements of the Project of the Applicant are expected to be commissioned by October, 2019 in line with Unit No.2 of NTPC Khargone TPP, the evacuation of the entire generation capacity of the TPP can take place through Khargone-Khandwa Pool-Indore corridor as suggested by the CEA in the minutes of meeting dated 29.7.2019 and 5.8.2019.

(f) Copy of the IA and Petition has already been served on the Respondents.

(g) Learned senior counsel prayed to delink the KD line from the rest of the transmission elements as provided in Schedule 3 of the TSA.

2. None was present on behalf of the Respondents despite notice.

3. After hearing the learned senior counsel for the Applicant, the Commission admitted the IA. The Commission directed the Petitioner to implead NTPC as party to the IA and Petition and to file revised memo of parties by 4.10.2019.

4. The Commission directed the Applicant to serve copy of the Petition on NTPC Limited. The Respondents including NTPC were directed to file their replies by 9.10.2019 with an advance copy to the Applicant, who may file its rejoinder, if any, by 11.10.2019. The Commission directed that due date of filing the reply and/or rejoinder should be strictly complied with.

5. IA shall be listed for hearing on 15.10.2019.

By order of the Commission

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

