

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 308/MP/2019

Subject : Petition under Section 63 and 79(1)(c) and 79(1)(f) of the Electricity Act, 2003 seeking an extension in 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 (KTL)

Respondents : MP Power Management Company Limited (MPPMCL) and Ors.

Date of Hearing : 30.6.2020

Coram : Shri P. K. Pujari, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member

Parties present : Shri Sanjay Sen, Senior Advocate, KTL
Shri Saahil Kaul, Advocate, KTL
Ms. Shikha Ohri, Advocate, NTPC
Shri Matrugupta Mishra, Advocate, NTPC
Shri Sachin Jain, NTPC
Shri Manoj Dubey, Advocate, MPPMCL

Record of Proceedings

The matter was heard through video conferencing.

2. Learned senior counsel for the Petitioner submitted that the instant Petition has been filed, *inter-alia*, seeking extension in the Scheduled Commercial Operation Date along with compensatory and declaratory reliefs under the Transmission Service Agreement (TSA) dated 14.3.2016 on account of Force Majeure and Change in Law events. Learned senior counsel further submitted as under:

(a) The Commission in its order dated 21.10.2019 in IA No. 78/2019 had allowed the Petitioner to declare the commercial operation of all the other elements of the project without linking it to the commercial operation of Khandwa Pool–Dule 765 kV D/C transmission line (in short ‘KD Line’), whose completion has been affected by several Force Majeure and Change in Law events. The Petitioner was also directed to ensure that the Khargone-Khandwa Pool-Indore



corridor is completed and put into operation matching the timeline with the commissioning of Unit-2 of NTPC Khargone Thermal Power Plant (TPP).

(b) Pursuant to the said order, the Petitioner has commissioned all elements of its Project except KD Line matching with the commissioning of Unit -2 of NTPC Khargone TPP.

(c) As regards KD Line, the approved route of KD line under Section 164 of the Electricity Act, 2003 (in short 'the Act') traversed from the Khargone and Khandwa districts of Madhya Pradesh to Dhule district of Maharashtra. However, as the said route was intersecting with the proposed land for the Jamfal-Kanoli-Sulwade Lift Irrigation Project ('Jamfal Dam'), the Petitioner was prevented from carrying out the construction activities on the route by the Minor Irrigation Division of Dhule, Divisional Forest Officer and the District Collector, Dhule despite having obtained forest clearance and approval under Section 164 of the Act.

(d) At this stage, the Petitioner is only praying for declaratory reliefs under the TSA dated 14.3.2016 on account of several Force Majeure and Change in Law events, which have affected the implementation of the Project. While the KD Line is yet to achieve commercial operation, the Commission may consider to grant declaratory reliefs/in-principle approval as prayed for by the Petitioner in respect of KD line. In this regard, reliance was placed on the Commission's orders dated 24.8.2016 in Petition No. 32/MP/2014 and dated 8.1.2020 in Petition No. 126/MP/2019.

3. After hearing the learned senior counsel of the Petitioner, the Commission reserved order in the Petition.

By order of the Commission

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

