

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 470/MP/2019

Subject : Petition seeking extension of Scheduled Commercial Operation Date on account of force majeure events and consequential reliefs arising therefrom under Section 79(1)(c) and (f) of the Electricity Act, 2003, Articles 4,11 and 16 and other relevant clauses of Transmission Service Agreement dated 22.9.2015 executed between the Petitioner and the Long-Term Transmission Customers read with Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999.

Petitioner : Alipurduar Transmission Limited (ATL)

Respondents : Southern Bihar Power Distribution Company Limited 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 : Ms. Poonam Verma, Advocate, ATL
Ms. Aparajita Upadhyay, Advocate, ATL
Shri Saunak Rajguru, Advocate, ATL
Shri Sameer, ATL
Shri Sunil Mittal, ATL

Record of Proceedings

The matter was listed for hearing through video conferencing.

2. Learned counsel for the Petitioner submitted the instant Petition has been filed, *inter-alia*, seeking extension of Scheduled Commercial Operation Date (SCOD) of "Transmission System Strengthening in Indian Transmission System for transfer of power from new HEPs in Bhutan" (in short 'Transmission Project') on account of certain force majeure events detailed in the Petition. Learned counsel submitted that the Transmission Project comprises of two elements, namely, 'Alipurduar-Siliguri 400 kV D/C line' (Element-I) and 'Kishanganj-Darbhanga 400 kV D/C line' (Element-II). Learned counsel further submitted that Element-II of the Transmission Project achieved commercial operation on 14.3.2019. However, Element-I of the Transmission Project has achieved commercial operation on 20.1.2020 i.e. after filing of the instant Petition and accordingly, the Petitioner vide its additional affidavit dated 26.6.2020 has placed



on record relevant documents regarding commissioning of Element-I of the Transmission Project. Learned counsel requested to issue notice to the Respondents.

3. After hearing the learned counsel for the Petitioner, the Commission admitted the Petition and directed to issue notice to the Respondents.

4. The Commission directed the Petitioner to serve copy of the Petition on the Respondents immediately, if not already served. The Respondents were directed to file their reply, by 25.7.2020 with an advance copy to the Petitioner who may file its rejoinder, if any, by 15.8.2020.

5. The Commission directed the Petitioner to file the following information on affidavit by 20.7.2020:

(a) Details of commissioning, COD of entire Project, RLDC certificate which may be linked with the prayers keeping in view the actual COD; and

(b) Project execution plan, time plan as per Article 3.1.3(c) of the TSA dated 22.9.2015 signed by the Petitioner and LTTC and updated PERT/CPM/Gantt chart of the Project.

6. The due date of filing of reply, rejoinder and information should be strictly complied with.

7. The Petition shall be listed for hearing in due course for which separate notice will be issued.

By order of the Commission

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

