

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 81/MP/2019

Subject : Petition under Section 79(1)(c) and (f) and other applicable provisions of the Electricity Act, 2003, *inter-alia*, seeking a declaration that the factor/event, namely, direction of Power Grid Corporation of India Limited to re-route the LILO of one circuit of 765 kV/ D/C Aurangabad Padghe Transmission line at Shikarpur GIS, is a Force Majeure event under the Transmission Service Agreement dated 24.6.2015 and further seeking extension of time period for achieving the SCoD of the Project under Article 4.4.2 of the TSA and other consequential reliefs.

Petitioner : Chhattisgarh-WR Transmission Limited (CWRTL)

Respondents : Maharashtra State Electricity Distribution Company Limited and Ors.

Date of Hearing : 12.2.2020

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

Parties present : Shri Buddy A. Ranganadhan, Advocate, CWRTL
Shri Raunak Jain, Advocate, CWRTL
Shri Bhavesh Kundalia, CWRTL
Shri Afak Pothiawala, CWRTL
Shri M. Bhatt, CWRTL
Shri Pallav Mongia, Advocate, PGCIL
Shri V. C. Shekhar, PGCIL
Ms. Vaishnavi Viswanathan, Advocate, MSEDCL.

Record of Proceedings

Learned counsel for the Petitioner submitted that the instant Petition has been filed, *inter-alia*, seeking declaration that the event, namely, direction of Respondent, Power Grid Corporation of India Limited (PGCIL) to re-route the LILO of one circuit of 765 kV D/C Aurangabad-Padghe Transmission Line ('AP Line') at Shikarpur GIS, is a Force Majeure event and consequently qualifies for extension of time for achieving the Scheduled Commercial Operation Date of the Project under Article 4.4.2 of the Transmission Service Agreement. Learned counsel mainly submitted as under:

(a) Other elements of the Project except the aforesaid element achieved the Commercial Operation Date (CoD) prior to Scheduled CoD and LILO of one circuit of 765 kV D/C Aurangabad-Padghe Transmission Line ('AP Line') at Shikarpur GIS achieved CoD on 27.8.2019 with delay of approximately 157 days.



(b) Since the AP Line was crossing over the PGCIL's existing 765 kV D/C Solapur–Pune Transmission line, the Petitioner vide its letter dated 3.2.2017, sought approval from PGCIL. Along with the said application, the Petitioner had also forwarded Tower Schedule, Power Line (overhead) Crossing, Diagram and route showing crossing between the Petitioner's line under construction between tower location Nos. 750 and 751.

(c) PGCIL vide its letter dated 7.10.2017 granted permission and no-objection to the Petitioner for overhead crossing of existing 765 kV D/C Solapur-Pune Transmission Line between tower location nos. 750 and 751.

(d) Subsequently, during the discussions with PGCIL on 8.1.2019, the Petitioner came to know that PGCIL has plan for constructing colony along the entry passage corridor to sub-station and the original route of AP Line. Accordingly, keeping in view that the substation vicinity area was already having various developmental activities with limited corridor, the Petitioner submitted revised route alignment map for approval which was having crossing between tower location nos. 751 and 752.

(e) However, in response to the Petitioner's Revised Proposal dated 15.2.2019 and 28.2.2019 for issuance of NOC, PGCIL vide its letter dated 1.3.2019 conveyed to the Petitioner its objections to the modified final alignment from Location No.39/0 towards PGCIL substation Gate to cross over with sufficient margin from the proposed colony and conveyed that only then the revised proposal shall be considered for approval. Further, the Petitioner could achieve the CoD of AP Line on 27.8.2019 pursuant to the communications dated 1.5.2019 and 24.5.2019 (with replies in Annexure) and final approval of PGCIL on 27.6.2019.

(f) The Petitioner is only seeking extension of SCoD on account of the above mentioned Force Majeure event and accordingly, grant of such extension would not have any adverse financial impact on the Respondents.

2. Learned counsel for the Respondent, PGCIL, submitted that the contentions of the Petitioner that it had to change its route on the direction of PGCIL, is incorrect. PGCIL had granted the NOC to the Petitioner for crossing of pre-existing 765 kV D/C Solapur-Pune line between tower location nos. 750 and 751 and mere re-location of one tower would have served the purpose for avoiding the colony set up by PGCIL. However, the Petitioner in its own volition re-aligned the route involving change and setting up of 7 new additional towers and crossing of overhead line between tower location nos. 751 and 752. PGCIL is also contesting the receipt of various e-mails as relied upon by the Petitioner.

3. Learned counsel for the Respondent, Maharashtra State Electricity Distribution Company Limited (MSEDCL) submitted that the direction of PGCIL to re-route AP line is not a force majeure event and the contention of the Petitioner that extension of SCoD of AP line would not have any adverse financial impact is also incorrect. Learned counsel sought liberty to file her additional submission on this aspect.

4. In response to the specific query of the Commission as to what led to re-routing the AP line with 7 new tower locations and having crossing of Solapur-Pune line between tower location nos. 751 and 752 when the Petitioner could have avoided the PGCIL township by change in one tower in terms of NOC granted on



7.10.2017, as per the Petitioner's original proposal, learned counsel for the Petitioner sought permission to file additional affidavit to substantiate the reason.

5. Based on the request of the learned counsel for the Petitioner, the Commission permitted the Petitioner to file additional affidavit on the above aspect by 21.2.2020 with advance copy to the Respondents, who may file their response, if any, by 28.2.2020. The due date of filing of additional affidavit should strictly be complied with.

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

By order of the Commission

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

