

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 134/MP/2021**

- Subject : Petition under Section 61, Section 63 and Section 79 of the Electricity Act, 2003 read with statutory framework and Article 11 and Article 12 of the Transmission Service Agreement dated 27.12.2016 executed between NER-II Transmission Limited and its Long-Term Transmission Customers for *inter alia* claiming compensation due to Changes in Law and seeking an extension to the scheduled commissioning date of the relevant elements of the Project on account of Force Majeure events.
- Date of Hearing : 16.11.2021
- Coram : Shri P. K. Pujari, Chairperson  
Shri I. S. Jha, Member  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member
- Petitioner : NER-II Transmission Limited (NER-II TL)
- Respondents : Assam Electricity Grid Corporation Limited and 8 Ors.
- Parties Present : Shri Jafar Alam, Advocate, NER-II TL  
Shri Arjun Agarwal, Advocate, NER-II TL  
Ms. Parichita Chowdhury, Advocate, NER-II TL  
Shri TAN Reddy, NER-II TL  
Shri Gaurav Kumar, NER-II TL

**Record of Proceedings**

Case was called out for virtual hearing.

2. The learned counsel for the Petitioner submitted that the present Petition has been filed, *inter alia*, seeking compensation due to Change in Law events and seeking an extension to the Scheduled Commercial Operation Date of the relevant elements of the Project on account of Force Majeure events, in terms of the Article 11 and Article 12 of the Transmission Service Agreement dated 27.12.2016. The learned counsel further submitted that all the elements of the Project have already achieved the commercial operation.

3. After considering the submissions made by the learned counsel for the Petitioner, the Commission ordered as under:

- (a) Admit. Issue notice to the Respondents.
- (b) The Petitioner to serve copy of the Petition on the Respondents immediately, if not already served and the Respondents to file their reply, if any, by 12.12.2021 after serving copy of the same to the Petitioner, who may file its rejoinder, if any, by 31.12.2021;

(c) The Petitioner to file the following information on affidavit on or before 10.12.2021:

(i) Details of CoD of elements.

(ii) Copy of certificate of completion of trial operation of the certain elements, namely, Biswanath Chariyalli (POWERGRID)- Itanagar 132 kV D/C (Zebra Conductor) transmission line; 2 nos. 132 kV line bays at Itanagar for termination of Biswanath Chariyalli (Power Grid)-Itanagar 132 kV D/C (Zebra Conductor) transmission line; and LILO of one circuit of Biswanath Chariyalli (Power Grid)- Itanagar 132 kV D/C (Zebra Conductor) transmission line at Gohpur (AEGCL);

(iii) Copy of Notification dated 10.3.2017 issued by Government of Assam notifying the payment of land compensation for tower base as well as for corridor of transmission line, to the landowners;

(iv) Copy of orders of Government of Arunachal Pradesh dated 22.10.2019, 5.8.2020, 4.3.2021 and 8.8.2020 directing payment of compensation to the forest dwellers;

(v) Specify the duration of the force majeure events, namely, non-grant of NoC by AAI; delay in allotment of Government land; and Outbreak of COVID-19 pandemic;

(vi) Copy of CEA Energisation Certification of the certain elements, namely, Biswanath Chariyalli (Power Grid)- Itanagar 132 kV D/C (Zebra Conductor) transmission line; LILO of one circuit of Biswanath Chariyalli (Power grid )- Itanagar 132 kV D/C (Zebra Conductor) transmission Line at Gohpur (AEGCL); Silchar (Power Grid)-Misa (Power Grid 400 kV D/C (Quad) transmission line; 400/132 kV, 7x105 MVA Single Phase (including one spare) at Surajmaninagar; Surajmaninagar - P.K. Bari 400 kV D/C transmission line; 2 nos. 400 kV line bays at Palatana GBPP switchyard for termination of Palatana- Surajmaninagar 400 kV D/C transmission line; and AGTPP (NEEPCO)- P.K. Bari (TSECL) 132 kV D/C transmission line with high capacity HTLS conductor (equivalent to single moose ampacity at 85°C); and

(d) Parties to comply with above directions within the specified timeline and no extension of time shall be granted.

4. 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)  
Joint Chief (Law)**