

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 49/MP/2021**

Subject : Petition under Section 61, 63 and 79(1)(f) of the Electricity Act, 2003 read with the statutory framework and the Transmission Service Agreement dated 2.1.2014 executed between NRSS-XXIX Transmission Limited and its Long-Term Transmission Customers *inter alia* for seeking relief for certain Change in Law events that have impacted the Project and reimbursement of additional expenditure incurred towards necessary use of hellicrane for implementation of the Project.

Date of Hearing : 14.10.2021

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

Petitioner : NRSS-XXIX Transmission Limited (NRSS-XXIX TL)

Respondents : Uttar Pradesh Power Corporation Limited (UPPCL) and 25 Ors.

Parties Present : Shri Sajan Poovayya, Advocate, NRSS-XXIX TL  
Shri Deep Rao Palepu, Advocate, NRSS-XXIX TL  
Ms. Harneet Kaur, Advocate, NRSS-XXIX TL  
Ms. Neha Dabral, Advocate, NRSS-XXIX TL  
Shri TAN Reddy, NRSS-XXIX TL  
Shri Gaurav Kumar, NRSS-XXIX TL  
Shri Rohit Gera, NRSS-XXIX TL  
Shri Manish Garg, UPPCL

**Record of Proceedings**

Case was called out for virtual hearing.

2. During the course of hearing, the learned senior counsel for the Petitioner made detailed submission in regard to the Petitioner's Change in Law claims towards (a) unforeseen requirement of forest clearance for Jullandhar-Samba 400 kV D/C transmission line, (b) increase in the rate of Service Tax and Jammu and Kashmir (J&K) General Sales Tax, (c) increase in the rate of J&K Value Added Tax, (d) requirement of land acquisition through private negotiation committee mode in lieu of compulsory acquisition mode, and (e) requirement of seeking permission and paying compensation towards cutting of apple orchards and walnut trees. The learned senior counsel also made the submission on the claim of the Petitioner for reimbursement of unforeseen additional expenditure incurred on account of the necessary use of hellicrane and the circumstances which necessitated the use of hellicrane.

3. The representative of the Respondent No.1, UPPCL also made his detailed submissions refuting the Change in Law claims of the Petitioner. It was further submitted by the representative of UPPCL that as per the bid document/ RfP, the bidders were required to make independent enquiry with respect to all required information, inputs and conditions, etc. which may have any effect on the bid and also to conduct their own survey. Thus, the Change in Law claims of the Petitioner towards requirement of forest clearance and compensation towards cutting of apple orchards and walnut trees are not maintainable. As to the claims towards increases in various taxes, the Petitioner ought to also pass on the benefits due to reduction in the corporate tax/MAT as reduction therein would have also impacted the levelised transmission charges. Also, from the claim of the Petitioner towards expenditure incurred on account of use of hellicrane, it is not clear as to whether such expenditure is merely an incremental expenditure as it had been incurred in lieu of the other modes of transportation. The representative of UPPCL further requested for time to file reply to the Petition.

4. The Commission observed that the Respondents including UPPCL were given an opportunity to file their respective reply, by 24.8.2021 vide Record of Proceedings for the hearing dated 23.7.2021. However, UPPCL has failed to file its reply despite ample opportunity. However, considering the Respondent, UPPCL having already made its oral arguments, the Commission directed the Respondent, UPPCL to file its reply within a week after serving copy to the Petitioner, who may file its rejoinder, if any, within a week thereafter.

5. Subject to the above, the Commission reserved the matter for order.

**By order of the Commission**

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