

**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 helicrane for implementation of the Project.

Date of Hearing : 23.7.2021

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 and 25 Ors.

Parties Present : Shri Jafar Alam, Advocate, NRSS-XXIX TL
Shri Deep Rao Palepu, Advocate, NRSS-XXIX TL
Ms. Harneet Kaur, Advocate, NRSS-XXIX TL
Shri TAN Reddy, NRSS-XXIX TL
Shri Farukkh Aamir, NRSS-XXIX TL

Record of Proceedings

Case was called out for virtual hearing.

2. Learned counsel for the Petitioner submitted that the present Petition has been filed seeking consequential adjustment in tariff payable to the Petitioner in terms of Article 12 (Change in Law) of the Transmission Service Agreement ('TSA') dated 2.1.2014, namely, (i) unforeseen requirement of forest clearance for Jullandhar- Samba 400 kV D/C transmission line, (ii) increase in the rate of Service Tax and Jammu & Kashmir (J&K) General Sales Tax, (iii) increase in J&K Value Added Tax rate, and (iv) unforeseen higher Right of Way Compensation. In addition, the Petitioner has also claimed reimbursement of unforeseen additional expenditure incurred towards necessary use of helicrane.

3. In response to the specific query of the Commission regarding delay in filing of the Petition for seeking relief(s) for Change in Law events occurred during the construction period considering its project having achieved commercial operation back in 2018, learned counsel for the Petitioner submitted that delay appears mainly due to outbreak of Covid-19 and further sought liberty to take necessary instructions in this regard. Learned counsel, however, added that the Change in Law notices to

the beneficiaries/ Long Term Transmission Customers of the Project had been issued well within the timelines as per the provisions of the TSA.

4. After hearing 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 24.8.2021 after serving copy of the same to the Petitioner, who may file its rejoinder, if any, by 17.9.2021;
- c) The Petitioner is also directed to file the following details/information on affidavit by 20.8.2021:
 - (i) Schematic diagram of the Transmission System;
 - (ii) Route followed by the Petitioner out of the three alternative routes provided by the BPC for 400 kV Jullandhar- Samba 400 kV D/C transmission line or any other route along with necessary proof;
 - (iii) Duly audited month-wise Helicrane expenditure incurred and under which provision claim has been made ;
 - (iv) Element-wise details of claimed cost mentioning the enabling provisions of the TSA vide which claim has been made along with relevant documents; and
 - (v) As per the Petition, last element of the project was commissioned on 1.9.2018. However, the instant petition has been filed on 22.1.2021. Justification for inordinate delay for filing the same.
- d) Parties to comply with above direction within the specified timeline and no extension of time shall be granted.

5. 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)**