

CENTRAL ELECTRICITY REGULATORY COMMISSION

NEW DELHI

Petition No. 610/MP/2020

- Subject : Petition under Section 63 and Section 79(1)(c) and (d) of the Electricity Act, 2003 read with Regulation 86 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 for relief under Force Majeure (Article 11) and Change in Law (Article 12) of Transmission Service Agreement dated 19.11.2014, for Transmission System Strengthening associated Vindhyaachal-V.
- Date of Hearing : 15.4.2021
- Coram : Shri P. K. Pujari, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Powergrid Jabalpur Transmission Limited (PJTL)
- Respondents : Maharashtra State Electricity Distribution Company Limited (MSEDCL) and 8 Ors.
- Parties Present : Shri M. G. Ramachandran, Sr. Advocate, PJTL
Shri Shubham Arya, Advocate, PJTL
Shri Vamsi, PJTL
Shri V. C. Sekhar, PJTL

Record of Proceedings

Case was called out for virtual hearing.

2. Learned senior counsel for the Petitioner submitted that the present Petition has been filed, *inter alia*, for declaration that the Petitioner's project has been affected by force majeure and change in law events and for providing the reliefs under Article 11 and Article 12.2 of Transmission Service Agreement (in short 'TSA') dated 19.11.2014.

3. Learned senior counsel further submitted that owing to various force majeure events, the project has been implemented with a delay of 189 days and that the Long-Term Transmission Customers ('LTTCs') of project have already agreed to the extension of 180 days out of delay of 189 days. However, for the remaining 9 days, LTTCs opined that the Petitioner ought to approach the Commission for the decision. Accordingly, the Petitioner is seeking an extension in SCoD for the balance 9 days due to force majeure events. It was further submitted that the Petitioner has sought relief towards change in law events in respect of (i) increase in acquisition price by BPC, (ii) notification of GST laws by the Government of India, and (iii) notification of payment of land compensation by the Government of Madhya Pradesh, all of which have already been considered by the Commission as change in law events in its previous orders.

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

5. The Commission directed the Petitioner to serve copy of the Petition on the Respondents immediately, if not served already. The Commission directed the Respondents to file their reply by 7.5.2021 with an advance copy to the Petitioner, who may file its rejoinder, if any, by 28.5.2021. The due date of filing of reply and rejoinder should be strictly complied with.

6. 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)**