

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 90/MP/2020

Subject : Petition under Section 63 and Section 79(1)(f) of the Electricity Act, 2003 read with statutory framework and Article 11 and Article 12 of the Transmission Service Agreement dated 4.3.2016 executed between Gurgaon Palwal Transmission Limited and its Long-Term Transmission Customers for claiming compensation due to Change in Law and seeking an extension to the scheduled commissioning date of the relevant elements of Project on account of Force Majeure events.

Date of Hearing : 27.8.2021

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

Petitioner : Gurgaon Palwal Transmission Limited (GPTL)

Respondents : UTC Chandigarh and 13 Ors.

Parties Present : Shri Sanjay Sen, Sr. Advocate, GPTL
Shri Deep Rao Palepu, Advocate, GPTL
Ms. Harneet Kaur, Advocate, GPTL
Shri G Saikumar, Advocate, HVPNL
Shri Raheel Kohli, Advocate, HVPNL
Shri Amit Kapur, Advocate, UPPCL
Shri Akshat Jain, Advocate, UPPCL
Shri Pratyush Singh, Advocate, UPPCL
Shri Raghav Malhotra, Advocate, UPPCL
Ms. Swapna Seshadri, Advocate, PSPCL
Shri Anand K Ganesan, Advocate, PSPCL
Shri Ashwin Ramanathan, Advocate, PSPCL
Shri TAN Reddy, GPTL
Shri Farukkh Aamir, GPTL

Record of Proceedings

The matter was partly heard through video conferencing.

2. During the course of hearing, the learned senior counsel for the Petitioner circulated note of arguments and made detailed oral submissions on the various force majeure and change in law events as agitated in the Petition, which affected the implementation of the project of the Petitioner.

3. The learned counsel for the Respondent, UPPCL also circulated note of arguments and made detailed submissions in the matter. Learned counsel for the Respondent, PSPCL made her submissions referring to the reply filed by the Respondent, PSPCL and sought liberty to file written submissions in the matter.

4. The learned counsel for the Respondent, HVPNL requested the Commission to direct the Petitioner to provide its note of arguments and sought time to file its response thereof.

5. Considering the submissions of the learned senior counsel for the Petitioner and the learned counsels for the Respondents, the Commission directed the Petitioner and the Respondent, UPPCL to upload their note of arguments, immediately after serving copy to the other side. The Respondents, HVPNL and PSPCL were also directed to file their note of arguments/ written submissions, if any, within 10 days after serving copy to the Petitioner.

6. The Commission directed the Petitioner to submit the following information on affidavit within two weeks:

- (a) Schematic diagram of the project along with clear pictorial depiction of forest land;
- (b) Auditor certified break-up of GST paid up to COD;
- (c) Actual impact of GST on the project by comparing Pre-GST and Post-GST regime; and
- (d) Information regarding time over-run against each activity for each asset covered under the instant Petition in the following format:

Asset	Activity	Period of activity				Time over-run (In month)	Reason(s) for time over-run
		Planned/ Scheduled		Actual			
		From	To	From	To		
	Land acquisition						
	LOA						
	Supplies (Structures and equipment's, etc.)						
	Civil works and erection						
	Testing and commissioning						
	Any other activities for time over-run, if any						

7. The Commission directed HVPNL to submit the status of 220 kV downstream system and its SCOD, if any, on affidavit within two weeks.

8. The Parties are directed to comply with above directions within the specified timeline and no extension of time shall be granted.

9. 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)