

**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 : 17.5.2022
- Coram : Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : NER-II Transmission Limited (NTL)
- Respondents : Assam Electricity Grid Corporation Limited and 8 Ors.
- Parties Present : Shri Deep Rao, Advocate, NTL
Shri Syed Jafar Alam, Advocate, NTL
Shri Arjun Agarwal, Advocate, NTL
Shri Anad K Ganesan, Advocate, PGCIL
Ms. Swapna Seshadri, Advocate, PGCIL
Shri Aditya H Dubey, Advocate, PGCIL
Shri Jai Dhanani, Advocate, PGCIL

Record of Proceedings

Case was called out for virtual hearing.

2. Learned counsel for the Petitioner submitted that the Commission vide Record of the Proceedings for the hearing dated 24.1.2022 by applying the Electricity (Timely Recovery of Costs due to Change in Law) Rules, 2021 ('Change in Law Rules') had directed the Petitioner to approach the LTTCs for settlement of its Change in Law claims amongst themselves in terms of Change in Law Rules and further granted liberty to file the amended Petition restricting its prayer to Force Majeure events. However, the said decision of the Commission has been set aside by the Appellate Tribunal for Electricity ('APTEL') vide its judgment dated 5.4.2021 in OP No. 1 of 2022 and Ors. as the Petitioner herein had also approached the APTEL vide Appeal No. 74 of 2022. Learned counsel for the Petitioner further submitted that none of the Respondents, except for PGCIL, has filed reply to the Petition.

3. Learned counsel for the Respondent submitted that for the purpose of better clarity on the factual background and on the issues relating to delays/ mismatch the present Petition may be listed along with Diary No. 173 of 2021 and Diary No. 9 of

2022 filed by the PGCIL involving the connecting transmission infrastructure to the Petitioner's transmission project.

4. After hearing the learned counsel for the parties, the Commission deemed it appropriate to give last opportunity to the Respondents to file their reply and accordingly, directed the Respondents to file their reply, if any, within two weeks after serving copy to the Petitioner who may file its rejoinder, if any, within two weeks thereafter.

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)**