

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 134/MP/2021

Subject : Petition under Sections 61, 63 and 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 : 24.1.2022

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

Petitioner : NER-II Transmission Limited (NER-II TL)

Respondents : Assam Electricity Grid Corporation Limited and 8 Ors.

Parties Present : Shri Deep Rao Palepu, Advocate, NER-II TL
Ms. Parichita Chowdhury, Advocate, NER-II TL
Ms. Harneet Kaur, Advocate, NER-II TL
Shri Arjun Agarwal, Advocate, NER-II TL
Ms. Swapna Seshadri, Advocate, PGCIL
Shri TAN Reddy, NER-II TL
Shri Gaurav Kumar, NER-II TL
Shri Balai Sivan, NER-II TL
Shri Harshit Gupta, NER-II TL
Shri Aditya H, PGCIL
Shri V. C. Sekhar, PGCIL
Shri Prashant Kumar, PGCIL
Ms. Supriya Singh, PGCIL
Shri Arjun Malhotra, PGCIL

Record of Proceedings

Case was called out for virtual hearing.

2. At the outset, the learned counsel for the Petitioner submitted that the present Petition has been filed, *inter alia*, seeking compensation due to Change in Law events and seeking an extension to the Scheduled Commercial Operation Date of the relevant elements of the Project on account of Force Majeure events, in terms of the Article 11 and Article 12 of the Transmission Service Agreement dated 27.12.2016

3. The learned counsel for the Petitioner requested for two weeks' time to file rejoinder to the reply filed by the Respondent, PGCIL only on 20.1.2022. The request was allowed by the Commission. The Petitioner was directed to file its rejoinder by 14.2.2022.

4. After hearing the learned counsel for the Petitioner, the Commission observed that on occurrence of an event of Change in Law, the affected party, in the present case the Petitioner, and other parties, in the present case the Respondents/LTTCs, are required to settle the Change in Law claims among themselves and approach the Commission only in terms of Rule 3(8) of the Change in Law Rules. Accordingly, the Petitioner may approach the Respondents/LTTCs for settlement of Change in Law claims amongst themselves in terms of the Change in Law Rules and thereafter approach the Commission in terms of Rule 3(8) of the said Rules.

5. The Commission further observed that the Petitioner is at liberty to file amended Petition within two weeks restricting its prayers to force majeure events.

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)**