

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 158/MP/2021 along with IA No.61/2021

Subject : Petition under Sections 61, 63 and 79 of the Electricity Act, 2003 read with the statutory framework and Article 11, Article 12 and Article 16.3 of the Transmission Service Agreement dated 23.4.2019 executed between Lakadia-Vadodara Transmission Project Limited and its Long-Term Transmission Customers inter alia claiming compensation due to Change in Law events, extension to the scheduled commissioning date of the transmission project on account of Force Majeure events adversely impacting its implementation and declaratory relief with respect to the Petitioner's scope of work.

Date of Hearing : 24.1.2022

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

Petitioner : Lakadia-Vadodara Transmission Project Limited (LVTPL)

Respondents : Adani Green Energy MP Limited and 7 Ors.

Parties Present : Shri Sanjay Sen, Sr. Advocate, LVTPL
Shri Deep Rao, Advocate, LVTPL
Ms. Parichita Chowdhury, Advocate, LVTPL
Ms. Harneet Kaur, Advocate, LVTPL
Shri TAN Reddy, LVTPL
Shri Balaji Sivan, LVTPL
Shri Gaurav Kumar, LVTPL
Shri Venkatesh, Advocate, PGCIL
Shri Ashutosh K Srivastava, Advocate, PGCIL
Shri Tushar Srivastava, Advocate, PGCIL
Ms. Isnain Muzamil, Advocate, PGCIL
Shri V. C. Shekhar, PGCIL
Shri Prashant Kumar, PGCIL
Ms. Supriya Singh, PGCIL
Shri Arjun Malhotra, PGCIL
Ms. Suparna Srivastava, Advocate, CTUIL
Ms. Soumay Singh, Advocate, CTUIL
Shri Tushar Mathur, Advocate, CTUIL

Record of Proceedings

Case was called out for virtual hearing.

2. Learned senior counsel for the Petitioner and the learned counsel for the Respondents, PGCIL and CTUIL made detailed submissions in the matter on the

aspect of the 'scope of the work' under the Transmission Service Agreement and RfP documents by adverting to the averments made in the respective pleadings.

3. After hearing the learned senior counsel and the learned counsel for the parties, the Commission observed that despite notice, none was present on behalf of the BPC, PFCCL. The Commission expressed its displeasure over casual approach of BPC.

4. The Commission directed as under:

a) The Petitioner to submit the following information on affidavit by 18.2.2022:

- i. Switching scheme adopted in Vadadora GIS, as submitted by the Petitioner in SLD (single line diagram) vide affidavit dated 27.11.2021.
- ii. Date of commercial operation of various elements of the Project.
- iii. CEA clearance certificates for energization in compliance to the Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2010.
- iv. RLDC Certificates for trial run operation/ first time charging certificate issued by RLDC, as applicable, for various elements of the Project.

b) The Respondent, PGCIL to submit on affidavit by 18.2.2022 clearly mentioning the provision and clause of RfP as per which the switching scheme at Vadadora GIS is one and half breaker scheme. Further, PGCIL is directed to submit the number of bays at Vadodara that were supposed to be implemented by the Petitioner as per RfP.

c) Respondent, PFCCL to clarify regarding its reply with respect to query of the Petitioner dated 31.5.2019 towards bays shown as "NOT IN SCOPE" (i.e. at Sr.9 of Additional Clarifications of RfP & TSA Queries). Whether the reply clarifies the position as to whether such bays shown as "NOT IN SCOPE" are to be implemented or not to be implemented?

d) The Petitioner to file its note on Change in Scope of Work on affidavit by 18.2.2022 with copy to the Respondents, who may file their responses, if any, by 28.2.2022 with copy to the Petitioner.

e) Parties to comply with above directions within the specified timeline and no extension of time shall be granted.

5. Subject to the above, the Commission reserved the order in the matter.

By order of the Commission
Sd/-
(T.D. Pant)
Joint Chief (Law)