

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 164/MP/2021

Subject : Petition under Section 79 of the Electricity Act, 2003 read with Article 11 and 12 of the Transmission Service Agreement dated 20.9.2016.

Date of Hearing : 21.4.2022

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

Petitioner : Kohima-Mariani Transmission Limited (KMTL)

Respondents : Assam Electricity Grid Corporation Limited and 7 Ors.

Parties Present : Shri Amit Kapur, Advocate, KMTL
Ms. Poonam Verma, Advocate, KMTL
Ms. Aparajita Upadhyay, Advocate, KMTL
Ms. Neha Mittal, KMTL
Shri Sunil Mittal, KMTL

Record of Proceedings

Case was called out for virtual hearing.

2. Learned counsel for the Petitioner submitted that pursuant to liberty granted by the Commission vide Record of Proceedings for the hearing dated 18.11.2021, the Petitioner has filed an amended Petition claiming both i.e. (i) extension of Scheduled Commercial Operation Date ('SCOD') based on the factors beyond the control of the Petitioner, and (ii) reliefs on account of Change in Law. Learned counsel submitted that extension of SCOD has been sought on account of the Force Majeure events, namely, (i) outbreak of Covid-19 pandemic, (ii) delay in provision of the interconnection facilities by Power Grid Corporation of India Limited at Imphal and Mariani sub-station, and (ii) delay in setting up the downstream system to be developed by Department of Power, Government of Nagaland. Learned counsel further submitted that the Petitioner has sought the Change in Law reliefs on account of Change in Law events, namely, (i) promulgation of GST Laws, (ii) introduction of land compensation, and (iii) increase in unit rate of tree/crop rate. He added that the Ministry of Power vide its circular dated 27.7.2020 in the context of 'Extension to TSP/Transmission Licensee for completion under construction inter-State transmission Project', has already granted an extension of five months in respect of SCOD to all the inter-State transmission projects which were under construction as on date of lock-down i.e. 25.3.2020 and the Petitioner's case is squarely covered thereunder.

3. After hearing the learned counsel for the Petitioner, the Commission ordered as under:



- (a) Admit. Issue notice to the Respondents.
- (b) The Petitioner to serve copy of the Petition on the Respondents immediately, if not already served and the Respondents to file their reply by 18.5.2022 after serving copy of the same to the Petitioner, who may file its rejoinder, if any, by 7.6.2022;
- (c) The Petitioner to file the following details/information on affidavit by 20.5.2022:
- (i) Final approval of energization of CEA for all the elements of the transmission system;
 - (ii) Duration of Force Majeure events claimed element-wise; and
 - (iii) Copy of intimation of deemed COD to the LTTCs for element 2.
- (d) Parties to comply with the above directions within the specified timeline and no extension of time shall be granted.

4. 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)**