

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 182/MP/2020**

- Subject : Petition under Section 79(1)(c), 79(1)(d), 79(1)(f) and 79(1)(k) of the Electricity Act, 2003 read with Articles 11 and 12 of the Transmission Service Agreement dated 20.11.2015, seeking monetary compensation on account of occurrence of force majeure and change in law events.
- Date of Hearing : 17.5.2022
- Coram : Shri I. S. Jha, Member  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member
- Petitioner : Odisha Generation Phase II Transmission Limited (OGPIITL)
- Respondents : West Bengal State Electricity Distribution Co. Ltd. and 9 Ors.
- Parties Present : Shri Hemant Singh, Advocate, OGPIITL  
Shri Lakshyajit Singh Bagdwal, Advocate, OGPIITL  
Ms. Lavanya Panwar, Advocate, OGPIITL  
Ms. Rohini Prasad, Advocate, BSPHCL  
Shri Harshit Gupta, OGPIITL  
Ms. Anisha Chopra, OGPIITL  
Shri Balaji Sivan, OGPIITL

**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 by restricting its prayer to the 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 approached APTEL vide Appeal No. 75 of 2022. Learned counsel further submitted that vide Record of the Proceedings for the hearing dated 24.1.2022, the Commission had also observed that it was appropriate to consider the views/ submissions of the Bid Process Coordinator, PFC Consulting Limited ('PFCCL') on the aspect of delay of approximately 3 months as occurred due to delay in acquisition of the Petitioner Company by the successful bidder and thus, the Commission may issue a fresh direction to the Petitioner for impleadment of the PFCCL as party to the Petition.

3. Learned counsel for the Respondent 2 and Respondent 3, Bihar Distribution Licensees, sought a week's time to file reply to the Petition.

4. After hearing the learned counsel for the parties, the Commission ordered as under:

(a) The Petitioner to implead BPC, PFCCL as party to the Petition and to file revised memo of parties, by 23.5.2022; and

(b) The Respondents including PFCCL to file their reply to the Petition within three weeks after serving copy to the Petitioner, who may file its rejoinder by three 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)**