

**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 : 23.6.2022
- 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. During the course of hearing, learned counsel for the Petitioner and learned counsel for the Respondents 2 & 3, Distribution Companies of Bihar, made detailed submissions in the matter and reiterated the submissions made in the pleadings.
3. After hearing the learned counsels for the parties, the Commission directed the Petitioner to file the following information on affidavit within two weeks:
 - (a) CEA clearance certificate for energization of both transmission lines in terms of the Central Electricity Authority (Measures relating to Safety and Electricity Supply) Regulations, 2010;
 - (b) RLDC certificate for trial operation of the OJ Line;
 - (c) Documents declaring COD/Deemed COD of both transmission lines;
 - (d) In terms of Clause 1.1.1 of the TSA, COD shall not be a date prior to SCOD unless mutually agreed to by all parties. The Petitioner has declared COD of JR line on 6.4.2019 whereas SCOD was 8.8.2019. Submit the agreement of all parties declaring COD before SCOD; and

(e) Copy of the order of the land acquisition Officer, if any, fixing the amount of compensation in terms of Clause 6 of the Government of Chhattisgarh Order dated 20.2.2015 / 1.6.2016 for each involved district in respect of 765 kV D/C Jharsuguda-Raipur Line.

4. Considering the request of the learned counsel for the parties, the Commission directed the Respondents 2 & 3 to file their written submissions within two weeks with copy to the Petitioner, who may file its response/written submissions within two weeks thereafter.

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

6. Subject to the above, the Commission reserved the matter for order.

By order of the Commission

**Sd/-
(T.D. Pant)
Joint Chief (Law)**