

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.470/MP/2019 along with IA No. 68/IA/2020 and 46/IA/2022**

- Subject : Petition seeking extension of scheduled commercial operation date on account of force majeure events and consequential reliefs arising therefrom involving (a) Section 79(1)(c) and (f) of the Electricity Act, 2003, read with (b) Articles 4, 11 and 16 and other relevant clauses of the Transmission Service Agreement dated 22.9.2015 executed between the Petitioner and the Long- Term Transmission Customers, read with (c) Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999.
- Date of Hearing : 15.7.2022
- Coram : Shri I. S. Jha, Member  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member
- Petitioner : Alipurduar Transmission Limited (ATL)
- Respondents : South Bihar Power Distribution Co. Ltd. and 9 Ors.
- Parties Present : Ms. Poonam Verma, Advocate, ATL  
Ms. Gayatri Aryan, Advocate, ATL  
Dr. Sunil Mittal, ATL  
Ms. Neha Mittal, ATL  
Shri Yogesh Dalal, ATL  
Shri Anand Ganesan, Advocate, PGCIL  
Ms. Swapna Seshadri, Advocate, PGCIL  
Shri Jai Dhanani, Advocate, PGCIL  
Shri Shashwat Kumar, Advocate, Bihar Discoms  
Shri Rahul Chouhan, Advocate, Bihar Discoms  
Shri Rajesh Kumar, CTUIL  
Shri Shyam Sunder Goyal, CTUIL  
Shri Swapnil Verma, CTUIL  
Shri Siddharth Sharma, CTUIL  
Shri Ranjeet Singh Rajput, CTUIL

**Record of Proceedings**

Case was called out for virtue hearing.

2. At the outset, learned counsel for the Petitioner submitted that the Petitioner has filed IA No. 46/IA/2022 seeking amendment of the Petition. Learned counsel submitted that during the pendency of the Petition, the Commission has passed an order dated 5.5.2022 in Petition No. 677/TT/2020 (PGCIL v. BSPHCL and Ors.) wherein certain findings were made, in particular at paragraph 35, which have an impact on the present Petition. Learned counsel submitted that in the said order, the Commission while dealing with the transmission assets of PGCIL, which are

associated with the Element 2 of the Petitioner, has held that Digital Tele Protection Coupler (DTPC) and Power Line Carrier Communication (PLCC) at Kishangaj were under the scope of the Petitioner and the issue with respect to them will be dealt with in present Petition. Learned counsel submitted that accordingly, the Petitioner has sought to amend the relevant portion of the present Petition in order to include its submissions concerning Element 2 and the Petitioner's scope regarding DTPC and PLCC. Learned counsel further submitted that since reply of the Respondent, PGCIL to the said IA has been received only on 12.7.2022, the Petitioner may be permitted time to file its rejoinder thereof.

3. Learned counsel for the Respondent, PGCIL submitted that the Respondent is opposing the IA No.46/IA/2022 filed by the Petitioner seeking amendment to the Petition. Learned counsel further clarified that PGCIL could not file its reply to IA earlier as the Petitioner mapped PGCIL as Respondent on the e-filing portal of the Commission recently. Learned counsel requested that the present Petition along with IAs may be kept for hearing along with Petition No. 113/TT/2021 filed by PGCIL, which is listed for hearing on 26.7.2022. In response, learned counsel for the Petitioner submitted that since the Commission is first required to consider the IA No.46/IA/2022, only the IA may be kept for hearing along with Petition No. 113/TT/2021.

4. Learned counsel for the Respondents 1 & 6, Bihar Discoms sought a week's time to file reply to IA No. 46/IA/2022 and requested that the said IA may be listed in the first week of August, 2022.

5. After hearing the learned counsels for the parties, the Commission directed the Respondents to file their reply to IA No. 46/IA/2022 as well on the main petition within a week after serving copy to the Petitioner who may file its rejoinder, if any, within a week thereafter. The pleadings must be completed within the timeframe.

6. The Petition along with IA shall be listed for hearing along with Petition No. 113/TT/2021 which is listing for hearing on 26.7.2022, in the month of August, 2022 for which separate notice will be issued.

**By order of the Commission**

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