

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 470/MP/2019 along with IA No.69/IA/2020**

- 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 : 21.4.2022
- 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 : Shri Amit Kapur, Advocate, ATL  
Ms. Poonam Verma, Advocate, ATL  
Ms. Aparajita Upadhyay, Advocate, ATL  
Shri Shashwat Kumar, Advocate, Bihar Utilities  
Shri Rahul Chouhan, Advocate, Bihar Utilities  
Shri Amitanshu Saxena, Advocate, Bihar Utilities  
Ms. Neha Mittal, ATL  
Shri Sunil Mittal, ATL  
Shri Amit Kumar, ATL

**Record of Proceedings**

Case was called out for virtual hearing.

2. Due to paucity of time, the matter could not be taken up for hearing and adjourned. At the request of the learned counsel for the Petitioner, the Commission permitted the Petitioner to upload a chart indicating the critical path of the Project of the Petitioner within a week.
3. The Commission further directed the Petitioner to file the following details/information, on affidavit, by 10.5.2022 with copy to the Respondents:
  - (a) Copy of COD certificate for Element 1 and Element 2; and
  - (b) Cessation dates of claimed Force Majeure events viz. approval for felling of the trees and transit pass in non-forest areas, and RoW issues as Petitioner has now achieved COD of complete Project;



4. The Commission observed that CTIUL and BPC should be heard for complete adjudication of the matter and directed the Petitioner to implead CTUIL and Bid Process Co-ordinator (BPC) of the Project as party to the Petition and accordingly, file revised memo of parties and to serve the complete copy of the Petition on them by 2.5.2022. CTUIL and BPC were directed to file their response including submissions on SCOD date of the Petitioner's Project, if any, by 16.5.2022 after serving copy to the Petitioner, who may file its rejoinder thereof, if any, by 27.5.2022.

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)**