

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.470/MP/2019 along with IA Nos. 69/2020 and 46/2022

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 : 24.11.2022

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 Sengupta, Advocate, ATL
Ms. Gayatri Aryan, Advocate, ATL
Ms. Priyanshi Bhatnagar, Advocate, ATO
Shri Anant, ATL
Shri Yogesh Palana, ATL
Shri Rahul Chouhan, Advocate, Bihar Discoms
Shri Shashwat Kumar, Advocate, Bihar Discoms
Shri Amitanshu Saxena, Advocate, Bihar Discoms
Ms. Swapna Sesahdri, Advocate, PGCIL
Ms. Suparna Srivastava, Advocate, CTUIL
Ms. Astha Jain, Advocate, CTUIL
Shri V. C. Sekhar, PGCIL
Shri Prashant Kumar, PGCIL
Shri Swapnil Verma, CTUIL
Ms. Kavya Bhardwaj, CTUIL

Record of Proceedings

During the course of hearing, the learned counsel for the Petitioner and the learned counsel for the Respondents made their detailed submissions in the mater.

2. After hearing the learned counsel for the parties, the Commission directed the Petitioner to furnish the following details/information on affidavit within three weeks:

(a) For Element 1, furnish the following details:

A.	Court Proceedings & relevant	Stay/Injunction order(s) with relevant Page	From	To	Total Days	Remedial actions taken, if any	Whether this period overlaps with



	element/ Tower loc.	Nos.				with relevant Page Nos.	any other claimed FM event
B	Statutory Clearances/ Permissions	Date of Application & relevant Page Nos.	Date on which the Clearance/ Permission received & relevant Page Nos.	Prescribed timeline, if any or the timeline envisaged	Total Delays	Follow-up actions taken, if any, with relevant Page Nos.	Whether this period overlaps with any other claimed FM event
1							

(b) Vide RoP for the hearing dated 17.8.2022, the Petitioner was directed to indicate whether the route followed was as provided by the BPC route or any other route along with necessary proof, for each of its line. However, the submission made in this regard is not clear. Submit again the same clearly bringing out the facts.

(c) Vide RoP for the hearing dated 17.8.2022, the Petitioner was directed to submit legible copy of map, separately for each line, clearly depicting the three alternate route(s) as per BPC survey superimposing the route as followed by the Petitioner in respect of all line. However, the submission made in this regard is not clear. Submit again the same clearly bringing out the facts.

4. CTUIL is directed to furnish the following details/information on affidavit within three weeks:

Scope of the work related to elements in use including installation of PLCC, DTPC, etc. and identified responsible entities for each such scope in the following table:

Scope (Name of Element)	Entities responsible for
Lines	
Bay	

PLCC	
DTPC	

5. The Petitioner and the Respondents are directed to file written submissions not exceeding 5 pages within three weeks with copy to each other.

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

By order of the Commission

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