

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 49/MP/2021

Subject : Petition under Section 61, 63 and 79(1)(f) of the Electricity Act, 2003 read with statutory framework and the Transmission Service Agreement dated 2.1.2014 executed between NRSS-XXIX Transmission Limited and its Long-Term Transmission Customers, *inter alia*, for seeking relief for certain Change in law events that have impacted the Project and reimbursement of the additional expenditure incurred towards necessary use of helicrane for implementation of the Project.

Petitioner : NRSS-XXIX Transmission Limited (NTL)

Respondents : Uttar Pradesh Power Corporation Limited (UPPCL) and 25 Ors.

Petition No. 514/MP/2020

Subject : Petition under Section 63 and 79(1)(c) and 79(1)(f) of the Electricity Act, 2003 seeking reliefs due to occurrence of certain Force Majeure and Change in Law events under the Transmission Service Agreement dated 6.8.2009.

Petitioner : East-North Interconnection Company Limited (ENICL)

Respondents : Jodhpur Vidyut Vitran Nigam Limited and 18 Ors.

Date of Hearing : 9.5.2022

Coram : Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member

Parties Present : Shri Deep Rao Palepu, Advocate, NTL & ENICL
Shri Jafar Alam, Advocate, NTL & ENICL
Ms. Harneet Kaur, Advocate, NTL & ENICL
Shri Ashwin Ramanathan, Advocate, NTL & ENICL
Shri TAN Reddy, NTL & ENICL
Shri Balaji Sivan, NTL & ENICL
Ms. Anisha Chopra, NTL & ENICL
Shri Harshit Gupta, NTL & ENICL

Record of Proceedings

Cases were called out for virtual hearing pursuant to direction of the Appellate Tribunal for Electricity.

2. Learned counsel for the Petitioners submitted that the order dated 4.2.2022 of the Commission disposing of the present Petitions by applying the Electricity



(Timely Recovery of Costs due to Change in Law) Rules, 2021 (in short, 'Change in Law Rules, 2021') has been set-aside by the Appellate Tribunal for Electricity ('APTEL') vide its judgment dated 5.4.2021 in Original Petition No.1 of 2022 and Ors. with a direction to the Commission to consider these Petitions on the merits of the claims and adjudicate in accordance with the law on dispute in proper exercise of the its jurisdiction under Section 79 of the Electricity Act, 2003. Learned counsel further submitted that the directions of the APTEL in paragraph 74 of the judgment to the Commission to vacate its orders applying the Change in Law Rules, 2021 and restoring the said cases on their file to complete the adjudication process by exercise of its review jurisdiction on *suo-motu* basis do not apply to the present cases as in the present cases, the order of the Commission has already been set-aside by the APTEL in paragraph 72 of the judgment and as a consequence the cases stand restored. Learned counsel further submitted since the matters have already been argued in detail, they do not require any hearing and the Commission may reserve the Petitions for the orders and permit the Petitioners to file their written submissions in the matters.

3. The Commission noted the submissions made by learned counsel for the Petitioners.

4. The Petitions 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)**