

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
New Delhi**

**Petition No. 237/MP/2021 along with I.A No.31/2022**

- Subject** : Petition under Sections 63 and 79 of the Electricity Act, 2003 read with the statutory framework governing Inter-state Transmission Systems, and Articles 11 and 12 of the Transmission Service Agreement dated 14.03.2016 executed between Khargone Transmission Limited and its Long-Term Transmission Customers for inter alia claiming compensation due to Change in Law and seeking extension in the scheduled commercial operation date of the relevant elements of the Project on account of Force Majeure.
- Petitioner** : Khargone Transmission Limited (KTL)
- Respondents** : Madhya Pradesh Power Management Company Ltd. & Ors.
- Parties Present** : Shri Deep Rao Palepu, Advocate, KTL  
Shri Saahil Kaul, Advocate, KTL  
Shri Aryaman Saxena, KTL  
Shri Anup Jain, Advocate, MSEDCL  
Shri Akash Goel, Advocate, MSEDCL  
Shri D.H Agarwal, Advocate, MSEDCL  
Shri Ravi Sharma, Advocate, MPPMCL  
Shri Anand K. Ganesan, Advocate, PGCIL  
Ms. Swapna Seshadri, Advocate, PGCIL  
Shri Jai Dhanani, Advocate, PGCIL  
Shri Ventakesh, Advocate, NTPC  
Shri Abhishek Nangia, Advocate, NTPC  
Shri Ashutosh Srivasatva, Advocate, NTPC  
Shri Jayant Bajaj, Advocate, NTPC  
Shri Vivek Kumar, Advocate, NTPC  
Shri S.S Raju, PGCIL  
Shri D.K Biswal, PGCIL  
Shri Ved Rastogi, PGCIL  
Shri A.K Verma, PGCIL

**Petition No. 694/TT/2020**

- Subject** : Petition for determination of transmission tariff of the 2019-24 period for one asset under "POWERGRID Works associated



with Transmission System Strengthening in WR associated with Khargone TPS” in Western Region.

- Petitioner** : Power Grid Corporation of India Limited
- Respondents** : Madhya Pradesh Power Management Company Limited & Ors
- Date of Hearing** : 26.7.2022
- Parties Present** : Shri Anand K. Ganesan, Advocate, PGCIL  
Ms. Swapna Seshadri, Advocate, PGCIL  
Shri Jai Dhanani, Advocate, PGCIL  
Shri Deep Rao Palepu, Advocate, KTL  
Shri Aryaman Saxena, Advocate, KTL  
Shri Saahil Kaul, Advocate, KTL  
Shri S.S Raju, PGCIL  
Shri D.K Biswal, PGCIL  
Shri Ved Rastogi, PGCIL  
Shri A.K Verma, PGCIL
- Coram** : Shri I. S. Jha, Member  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member

### **Record of Proceedings**

The cases were called out for virtual hearing.

2. Learned counsel appearing on behalf of KTL in Petition No.237/MP/2021 requested the Commission to list Petition No. 402/GT/2019 filed by NTPC together with the instant petition. He submitted that MPPMCL has filed reply only in I.A No. 31/2022 and requested the Commission to direct MPPMCL to file its reply on merits to the main petition.

3. Learned counsel appearing on behalf of MPPMCL, in Petition No. 237/MP/2021, submitted that pursuant to the directions of the Commission vide Record of Proceedings (RoP) dated 17.5.2022, MPPMCL has filed its reply in I.A No. 31/2022 and requested the Commissions to hear I.A first and thereafter a detailed reply on merits may be filed. He further requested the Commission to allow MPPMCL to encash the Contract Performance Guarantee submitted along with the TSA. The Commission directed MPPMCL to file its reply on merits also in the instant petition.

4. Learned counsel for NTPC submitted that NTPC has been mapped by the Petitioner in Petition No. 237/MP/2021 and a copy of the petition has also been served



upon NTPC. However, NTPC has not been impleaded as a Respondent in the petition and has also not been included even in the amended “Memo of Parties”.

5. Learned counsel appearing on behalf of PGCIL in Petition No. 694/TT/2020 requested the Commission to have an early hearing in Petition No. 694/TT/2020.

6. In Petition No. 237/MP/2021, the Commission directed KTL to submit the following information on affidavit, by 16.8.2022 with an advance copy to the Respondents/ beneficiaries:

- a) CEA Clearance Certificate for energization in compliance to Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2010 in respect of all the elements of the Project;
- b) RLDC Certificate for trial run operation in respect of all the elements of the Project;
- c) COD certificate/ deemed COD certificate issued by transmission licensee (except for KI line (Khandwa-Indore), Khandwa Sub-station and KK Line (Khargone-Khandwa));
- d) From the perusal of instant petition at page no. 36 of the Petition, the Petitioner has submitted that on account of delay due to unexpected requirement to divert the KD line (Khandwa Dhule) to avoid intersection with proposed Jamphal Dam, an extension in SCOD of 27 month is required however, at page no.102 of the instant petition, it has been stated by the Petitioner that the extension in SCOD on account of above stated ‘*force majeure*’ event is 18 months, clarify the same;
- e) Clear/ legible SLD/ schematic diagram of the transmission scheme.
- f) For KD line, the survey report of the Petitioner without the route diversion for Jamphal dam;
- g) For KD line, the survey report of the diverted route due to Jamphal dam;
- h) The length of KD line under item (f) and (g) above;
- i) The actual length of each of the lines of Petitioner as implemented vis-a-vis length of line as per BPC routes;
- j) Whether the route followed was as provided by the BPC route or any other route, along with necessary proof for each of its line;
- k) Legible copy of map, separately for each line of Petitioner, depicting the three-alternate route(s) as per BPC survey superimposing the route as followed by the Petitioner in respect of all lines;
- l) The ‘*force majeure*’ and ‘*Change in Law*’ events which affected each of its asset, as per the table below:



Sl. No.	Particulars of the Activity/ <i>force majeure</i> event	Original time line as per plan of licensee for the activity		Actual time line for the activity		Effective delay (excluding the time period planned to execute the event) due to FM event	Date of serving the notice to LTTC
		From	To	From	To		

**Summary of Change in Law events**

Sl. No.	Particulars of the Change in Law event	Date of occurrence of Change in Law event	Date by which notice was required to be served to LTTCs as per TSA	Date of serving the notice to LTTCs

7. The Commission directed KTL to implead NTPC as a Respondent in Petition No. 237/MP/2021 and file a revised 'Memo of Parties' by 8.8.2020. The Respondents in Petition No. 237/MP/2021, including NTPC, were directed to file their reply by 16.8.2022, with an advance copy to the Petitioner, who may file its rejoinder, if any, by 30.8.2022. The Commission further directed the parties to comply with the directions with the timeline specified and observed that no extension of time shall be granted.

8. The Commission further directed that Petition No. 237/MP/2021 filed by KTL and Petition No. 402/GT/2019 filed by NTPC be taken together as the issues in these petitions are related and the outcome in Petition No. 237/MP/2021 will have bearing in the other two petitions.

9. The said petitions and IA shall be listed for further hearing in due course for which a separate notice will be issued.

**By order of the Commission**

sd/-  
(V. Sreenivas)  
Joint Chief (Law)

