

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 87/MP/2022

- Subject : Petition under Sections 79(1)(c), 79(1)(d), 79(1)(f) and 79(1)(k) of the Electricity Act, 2003 read with Articles 11, 12 and 16 of the Transmission Service Agreement dated 10.1.2018 seeking declaration, extension of time period for achieving CoD of the Project and compensation on account of occurrence of force majeure and Change in Law events and other consequential reliefs.
- Date of Hearing : 14.6.2022
- Coram : Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Fatehgarh-Bhadla Transmission Limited (FBTL)
- Respondents : Adani Renewable Energy Park Rajasthan Ltd. and 2 Ors.
- Parties Present : Shri Sanjay Sen, Sr. Advocate, FBTL
Shri Hemant Singh, Advocate, FBTL
Shri Lakshyajit Singh Bagdwal, Advocate, FBTL
Ms. Lavanya Panwar, Advocate, FBTL
Ms. Mandakini Ghosh, Advocate, FBTL

Record of Proceedings

Case was called out for virtual hearing.

2. Learned senior counsel for the Petitioner submitted that the present Petition has been filed, *inter-alia*, seeking extension of time period for achieving Commercial Operation Date ('COD') of the Project and compensation on account of occurrence of Force Majeure and Change in Law events along with other consequential reliefs. Learned senior counsel submitted that the Project of the Petitioner achieved commercial operation on 31.7.2021 against the Scheduled COD of 30.9.2019 and thus, there has been delay of 22 months on account of various events beyond the control of the Petitioner. Learned senior counsel further submitted that the Commission vide order dated 8.1.2020 in Petition No. 126/MP/2019 filed by the Petitioner has already held that the imposition of condition to re-route the transmission lines by forest authorities is an event of Change in Law. However, since at this stage the Petitioner was yet to implement the Project, the Commission granted liberty to the Petitioner to approach the Commission for appropriate reliefs in terms of the provisions of the Transmission Service Agreement after completion of the Project.

3. After hearing the learned senior counsel for the Petitioner, the Commission ordered as under:

- (a) Admit. Issue notice to the Respondents.

(b) The Petitioner to serve copy of the Petition on the Respondents and the Respondents to file their reply within four weeks after serving copy of the same to the Petitioner, who may file its rejoinder within four weeks thereafter.

(c) Parties to comply with the above directions within the specified timeline and no extension of time shall be granted.

4. 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)**