

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 90/MP/2020

Subject : Petition under Sections 63 and 79 (1)(f) of the Electricity Act, 2003 read with statutory framework and Article 11 and Article 12 of the Transmission Service Agreement dated 4.3.2016 executed between Gurgaon Palwal Transmission Limited and its Long-Term Transmission Customers for compensation due to Change in Law and seeking extension to the Scheduled Commissioning Date of the relevant elements of the Project on account of Force Majeure events.

Date of Hearing : 15.2.2022

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

Petitioner : Gurgaon Palwal Transmission Limited (GPTL)

Respondents : UTC, Chandigarh and 13 Ors.

Parties Present : Shri Deep Rao Palepu, Advocate, GPTL
Ms. Parichita Chowdhury, Advocate, GPTL
Shri G. Sai Kumar, Advocate, HVPNL
Shri Raheel Kohli, Advocate, HVPNL
Shri Amit Kapur, Advocate, UPPCL
Shri Akshat Jain, Advocate, UPPCL
Shri Pratyush Singh, Advocate, UPPCL
Shri Anand K Ganesan, Advocate, PSPCL
Ms. Swapna Seshadri, Advocate, PSPCL
Shri Ashwin Ramanathan, Advocate, PSPCL
Shri TAN Reddy, GPTL
Shri Gaurav Kumar, GPTL
Shri Balaji Sivan, GPTL
Shri Harshit Gupta, GPTL

Record of Proceedings

Case was called out for virtual hearing.

2. During the course of hearing, learned counsel for the Respondent, HVPNL referred to his written submissions and made detailed submissions in the matter. In rejoinder, the learned counsel for the Petitioner also made detailed submissions and sought a week's time to file the written submissions.

3. In response to the observation of the Commission regarding the Petitioner requiring to follow the Electricity (Timely Recovery of the Costs due to Change in Law) Rules, 2021 ('Change in Law Rules') in respect of its Change in Law claims, the learned counsel for the Petitioner submitted that prayers of the Petitioner seeking reliefs in respect of Change in Law events are severable and that, without prejudice to its rights, the Petitioner may be permitted to file an additional affidavit indicating

that the Petitioner is not pressing for such Change in Law reliefs/ prayers in view of the Change in Law Rules and, accordingly, the matter may be considered to the extent of the force majeure claims and prayers.

3. After hearing the learned counsel for the Petitioner and the Respondent, HVPNL, the Commission ordered as under:

(a) The Petitioner is directed to file an affidavit indicating that it is not pressing for the Change in Law prayers as made in the Petition and to furnish the following information/ clarification on affidavit by 4.3.2022:

(i) RLDC certificate 'on load' for Kadarapur sub-station, if any. Submit SLD (single line diagram) of Kadarapur sub-station and Sohna road sub-station clearly mentioning about 400 kV and 220 kV bays.

(ii) CEA energization certificates for assets of the Project except Prithala sub-station and trial operation certificate for Sohna Road sub-station (on load).

(iii) Dates of "Deemed COD" declared prior to dates of "No Load Charging" for AP line and Prithala sub-station.

(iv) Reasons for declaration of COD instead of Deemed COD in case of PK Line and Kadarapur sub-station as these assets were "No Load Charged" prior to their actual COD.

(v) Paying entity of transmission charges for the transmission assets of the Petitioner in case where Deemed COD is considered.

(b) The Petitioner is permitted to file its written submissions by 4.3.2022.

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

By order of the Commission

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