

**CENTRAL ELECTRICITY REGULATORY COMMISSION**  
**New Delhi**

**Petition No. 134/MP/2021**

- Subject** : Petition under Section 61, Section 63 and Section 79 of the Electricity Act, 2003 read with statutory framework and Article 11 and Article 12 of the Transmission Service Agreement dated 27.12.2016 executed between NER-II Transmission Limited and its Long-Term Transmission Customers for inter alia claiming compensation due to Changes in Law and seeking an extension to the scheduled commissioning date of the relevant elements of the Project on account of Force Majeure events.
- Petitioner** : NER-II Transmission Limited (NER-II TL)
- Respondents** : Assam Electricity Grid Corporation Limited and 8 Ors
- Parties Present** : Shri Sitesh Mukherjee, Advocate, NER-II TL  
Shri Deep Rao Palpu, Advocate, NER-II TL  
Shri Arjun Agarwal, Advocate, NER-II TL  
Shri Aryman Saxena, NER-II TL  
Shri Saurav Kr Jha, NER-II TL  
Shri Balaji Sivan, NER-II TL  
Ms. Swapna Seshadri, Advocate, PGCIL  
Shri Anand K. Ganesan, Advocate, PGCIL  
Ms. Neha Garg, Advocate, PGCIL  
Ms. Surbhi Gupta, Advocate, PGCIL  
Shri Prasant Kumar, PGCIL  
Shri V.C Shekhar, PGCIL  
Shri Ranjeet Rajput, CTUIL  
Ms. Kavya Bharwaj, CTUIL

**Petition No. 41/TT/2022**

- Subject** : Petition for determination of transmission tariff from DOCO to 31-3-2024 for Asset I- 420 kV, 1 X 80MVAR, 3- Ph Bus Reactor in existing GIS bays at 400/220 kV Misa GIS Sub-station (Extn.), Asset II- 2 nos. 132 kV line bays 5 at Biswanath Chariali Sub-station (for termination of Biswanath Chariyali Itanagar (Arunachal Pradesh) 132 kV D/C (Zebra Conductor) line- line under TBCB) and Asset III- 2 nos. 400 kV (GIS) bays at Silchar and 2 nos. 400



kV (GIS) bays along with 2x80 MVAR Switchable Line Reactors at Misa for 400 kV D/C (Quad) Silchar-Misa Transmission line (Line under TBCB scope) under Project "POWERGRID works associated with North Eastern Region Strengthening Scheme-II, Part-B (NERSS-II-B)"

**Petitioner** : Power Grid Corporation of India Limited. (PGCIL)

**Respondents** : Assam Electricity Grid Corporation Ltd & Ors.

**Parties Present** : Ms. Swapna Seshadri, Advocate, PGCIL  
Shri Anand K. Ganesan, Advocate, PGCIL  
Ms. Neha Garg, Advocate, PGCIL  
Ms. Surbhi Gupta, Advocate, PGCIL  
Shri Sitesh Mukherjee, Advocate, NER-II TL  
Shri Deep Rao Palpu, Advocate, NER-II TL  
Shri Arjun Agarwal, Advocate, NER-II TL  
Shri Aryman Saxena, NER-II TL  
Shri Balaji Sivan, NER-II TL  
Shri S.S Raju PGCIL  
Shri Zafrul Hasan, PGCIL

**Petition No. 167/TT/2022**

**Subject** : Petition for determination of transmission tariff from COD to 31.3.2024 for Transmission Assets under Project "POWERGRID works associated with North Eastern Region Strengthening Scheme-V.

**Petitioner** : Power Grid Corporation of India Limited. (PGCIL)

**Respondents** : Assam Electricity Grid Corporation Ltd & Ors.

**Date of Hearing** : 9.2.2023

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

**Parties Present** : Ms. Swapna Seshadri, Advocate, PGCIL  
Shri Anand K. Ganesan, Advocate, PGCIL  
Ms. Neha Garg, Advocate, PGCIL  
Ms. Surbhi Gupta, Advocate, PGCIL  
Shri Sitesh Mukherjee, Advocate, NER-II TL  
Shri Deep Rao Palpu, Advocate, NER-II TL  
Shri Arjun Agarwal, Advocate, NER-II TL



Shri Aryman Saxena, NER-II TL  
Shri Balaji Sivan, NER-II TL  
Shri S.S Raju PGCIL  
Shri Zafrul Hasan, PGCIL

### **Record of Proceedings**

The learned counsel appearing for NER-II TL made elaborate submissions referring to his Note of Arguments. The learned counsel submitted that there is time over-run in case of the transmission elements under its scope due to *force majeure* events like (a) delay in grant of forest clearance, (b) unexpected requirement for and non-grant of NoC by Airport Authority of India (AAI), (c) requirement to obtain forest clearance on account of the unexpected requirement for and non-grant of NoC by AAI, (d) delay in allotment of government land, (e) protest in the North-East due to amendment of Citizenship (Amendment) Act, 2019, (f) outbreak of Covid-19 pandemic and sought extension of their Scheduled Commercial Operation Date (SCOD) in terms of the Article 11 and Article 12 of the Transmission Service Agreement dated 27.12.2016.

2. The learned counsel for NER-II TL also made detailed arguments on the following “change in law” events like (i) payment of land and corridor compensation as per Government of Assam orders/directions, (ii) requirement to pay additional forest compensation in Arunachal Pradesh, (iii) idling charges due to Covid-19 and consequent restrictions, (iv) additional cost due to increase in line length due to diversion caused due to Hollongi Airport, (v) payment to forest dwellers, (vi) revised forest clearance required due to diversion caused due to the Hollongi Airport and (vii) IDC and accordingly sought compensation.

3. The learned counsel for PGCIL submitted that she will reply to the submissions made by NER-II TL on the next date of hearing and thereafter she will make her submissions in Petition No. 41/TT/2022 and Petition No. 167/TT/2022 filed by PGCIL and then Respondents, including NER-II TL, may reply to her submissions.

4. The Commission directed the Petitioner, NER-II TL, in Petition No.134/MP/2021 to submit the following information on affidavit by 6.3.2023 with an advance copy to the Respondents:

- (a) Details of follow up and efforts made by Petitioner for grant of forest clearance for each asset.
- (b) Amount of IDC and IEDC, asset-wise incurred upto original SCOD, from original SCOD to deemed COD and from deemed COD to actual COD, along with Auditor certified copy.
- (c) The audited balance sheet of the last three years of the Petitioner.



5. The matter remained part-heard for reply by learned counsel for The PGCIL and is listed for further arguments on 21.3.2023.

**By order of the Commission**

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

