

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.161/MP/2023

- Subject : Petition under Section 79 of the Electricity Act, 2003 read with Article 11 and 12 of the Transmission Service Agreement dated 23.10.2019 executed between Lakadia Banaskantha Transco Limited and Powerica Limited seeking extension of SCOD due to various events of Force Majeure & Change in Law and compensation/ appropriate relief to offset the adverse effect of the Force Majeure and Change in Law events.
- Date of Hearing : **23.8.2023**
- Coram : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Lakadia Banaskantha Transco Limited (LBTL)
- Respondents : Powerica Limited and 2 Ors.
- Parties Present : Shri Amit Kapur, Advocate, LBTL
Shri Akshit Jain, Advocate, LBTL
Ms. Aditya Dubey, Advocate, LBTL
Shri Venkatesh, Advocate, Powerica
Shri Ashutosh Srivastava, Advocate, Powerica
Shri Nihal Bhardwaj, Advocate, Powerica
Shri Kartikay Trivedi, Advocate, Powerica
Shri Praveen Arora, Advocate, Powerica
Ms. Suruchi Kotky, Advocate, Powerica
Ms. Kavya Bhardwaj, Advocate, CTU
Ms. Muskan Agarwal, Advocate, CTU

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed, *inter alia*, seeking an extension of Scheduled Commercial Operation Date due to various events of Force Majeure and Change in Law and compensation/ appropriate relief to offset the adverse effects of Force Majeure and Change in Law events.

2. Learned counsel for the Respondent No.1 accepted the notice and sought time to file a reply to the Petition.
3. Considering the submissions made by the learned counsels for the Petitioner and the Respondent No.1, the Commission ordered as under:
 - (a) Admit. Issue notice to the Respondents.

(b) The Respondents to file their respective replies to the Petition, if any, within five weeks, with a copy to the Petitioner, who may file its rejoinder within three weeks thereafter.

(c) The Petitioner to file the following information on an affidavit within four weeks:

(i) Schematic diagram of the project clearly indicating the inter-connecting transmission systems.

(ii) Present status of all elements of the Petitioner's Project and their actual COD and reasons for declaration of a deemed COD instead of the COD of transmission assets. Status of inter-connecting transmission system.

(iii) Status of payment of the transmission charges for the transmission assets of the Petitioner from the date of deemed COD till date.

(iv) Submit the following information towards Force Majeure events and Change in Law events in the following format:

Summary of Force Majeure events

S. No	Particulars of the Activity/ Force Majeure 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

S. 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 LTTC

4. The Petition shall be listed for hearing on **29.11.2023**.

By order of the Commission

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