

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.265/MP/2021

- Subject : Petition invoking Section 79(1)(c) and (f) of the Electricity Act, 2003 read with Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 seeking compensation/ relief for additional expenditure incurred by the Petitioner during the construction of the Project due to certain Change in Law and Force Majeure events, as per the applicable provisions of the Transmission Service Agreement dated 22.9.2015.
- Date of Hearing : 12.9.2023
- Coram : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Alipurduar Transmission Limited (ATL)
- Respondents : South Bihar Power Distribution Co. Ltd. and 10 Ors.
- Parties Present : Ms. Gayatri Aryan, Advocate, ATL
Shri Rajesh Jha, Advocate, ATL
Shri Yogesh Dalal, ATL
Shri Anant Shukla, ATL
Shri Arjun Pall, Advocate, Bihar Discoms
Ms. Divya Jhalani, Advocate, Bihar Discoms
Umang Poddar, Bihar Discoms

Record of Proceedings

Due to a paucity of time, the matter could not be taken up for the hearing, and accordingly, the matter was adjourned.

2. Learned counsel for the Respondent, WBSEDCL, submitted that pursuant to the direction of the Commission vide Record of Proceeding for the hearing dated 12.7.2023, the Petitioner has filed an additional affidavit furnishing certain details as called for, and the Respondent may, therefore, be permitted to file its response thereon.

3. Learned counsel for the Respondents, Bihar Discoms, also submitted that post the hearing of the matter on 12.7.2023, there has been a change in counsel for the Respondents.. Accordingly, additional time may be permitted to file the Respondents' reply on merits as permitted by the Commission vide Record of Proceedings for the hearing dated 12.7.2023.

4. Learned counsel for the Petitioner opposed the above request made by the Respondents and pointed out that despite being given ample time, the Respondents have failed to file their response/reply. Learned counsel also submitted that Bihar

Discoms have already filed their written submissions in the matter, and therefore, there may not be any need for filing of reply on merits at this stage.

5. Considering the submissions made by the learned counsel for the parties, the Commission permitted the Respondents last opportunity to file their reply/response, including on the Petitioner's affidavit dated 7.8.2023, if any, within two weeks with a copy to the Petitioner, who may file its comments/response thereon, within two weeks thereafter.

6. The Petition will be listed for hearing on **25.10.2023**.

By order of the Commission

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