

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.377/MP/2022

- Subject : Petition under Sections 79 of the Electricity Act, 2003, read with Articles 11, 12 and 16 of the Transmission Services Agreement dated 23.04.2019, seeking 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, and for seeking recovery transmission tariff/charges from the Respondent No. 1, on bilateral basis, from 04.09.2021 till 03.10.2021, in terms of Regulation 13(12) of the Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2020.
- Date of Hearing : **08.12.2023**
- Coram : Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Bikaner – Khetri Transmission Limited (BKTL).
- Respondents : Powergrid Khetri Transmission System Ltd. (PKTSL) and 9 Ors.
- Parties Present : Shri Sanjay Sen, Sr. Advocate, BKTL
Shri Hemant Singh, Advocate, BKTL
Shri Lakshyajit Singh, Advocate, BKTL
Shri Harshit Singh, Advocate, BKTL
Shri Mridul Chakravarty, Advocate, BKTL
Ms. Ruth Elvin, Advocate, BKTL
Ms. Neha Dabral, Advocate, BKTL
Shri Ranjit Rajput, CTUIL
Ms. Kavya Bhardwaj, CTUIL
Ms. Swapna Seshadri, Advocate, CTUIL
Shri Utkarsh Singh, Advocate, CTUIL
Ms. Sneha, Advocate, CTUIL
Ms. Tanushree, PKTSL

Record of Proceedings

During the course of the hearing, the learned senior counsel for the Petitioner and the learned counsel for the Respondent, PKTSL, made detailed submissions and concluded their arguments in the matter.

2. After hearing the learned senior counsel and the learned counsels for the parties, the Commission directed the Petitioner to submit the following information/clarifications, on an affidavit, within three weeks with a copy to the Respondents:



(a) 'No load' charging certificate and 'on load' certificate for all elements issued by the RLDC in the scope of the Petitioner.

(b) Clarify the purpose of providing the pre-requisites for the declaration of COD if it can declare the COD without the readiness of the pre-requisite elements and why it had agreed for such provision and entered into the TSA.

(c) Clarify whether the Petitioner was eligible in terms of the Ministry of Power Notifications dated 27.7.2020 & 12.06.2021 regarding the "Extension to TSP/ transmission licensee for completion of under construction inter-State transmission projects" for extension of SCOD and whether the SCOD of the Petitioner was extended?

(d) Clarify whether there are any provisions in the TSA with regard to the allocation of 765 kV bays at the Khetri sub-station adjacent to the spare reactor.

3. The Commission directed the Respondent, PKTSL to submit the following information:

(a) A copy of the minutes of a meeting held on 2.7.2021 between CEA, CTUIL, TSPs, associated LTTCs, POWERGRID & SECI, vide which the SCOD of the project was revised to August 2021.

(b) Submit comments on the following:

(i) The Petitioner's contention that the PKSTL is liable to bear the transmission charges for the period from 4.9.2021 till 3.10.2021, as the commissioning of the Petitioner's transmission system was delayed due to the non-completion of the transmission system in the scope of PKTSL.

(ii) Delay in completion of the Fire Protection System and earthing work at the Khetri sub-station by PKTSL.

(iii) Increase in the scope of work of Petitioner due to inclusion of installation of Single pole circuit breaker in its scope.

(c) PKTSL declared the SCOD of its transmission system on 4.10.2021. However, the extended SCOD was up to 31.8.2021. The reason for the delay in the declaration of COD

4. Based on their request, the Commission permitted the Petitioner to file its written submissions within two weeks with a copy to the Respondents, who may their respective written submissions within two weeks thereafter.

5. Subject to the above, the Commission reserved the matter for order.

By order of the Commission

SD/-

(T.D. Pant)

Joint Chief (Law)