

**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 : 9.2.2023
- Coram : Shri I. S. Jha, Member  
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  
Ms. Lavanya Panwar, Advocate, BKTL  
Ms. Ruth Elvin, Advocate, BKTL  
Ms. Neha Dabral, Advocate, BKTL  
Shri Siddharth Sharma, CTUIL  
Shri Ranjit Rajput, CTUIL  
Ms. Kavya Bhardwaj, CTUIL  
Shri Chandra Shekhar, PKTSL

**Record of Proceedings**

Learned senior counsel for the Petitioner submitted that the present Petition has been filed, *inter-alia*, seeking extension of time for achieving Commercial Operation Date (COD) of its Project and compensation on account of occurrence of Force Majeure and Change in Law events along with other consequential relief. Learned senior counsel submitted that Schedule COD of the Petitioner's Project was 31.12.2020 whereas the Project achieved the COD on 4.9.2021 i.e. after a delay of more than 8 months. He further submitted that the Petitioner is also seeking recovery of tariff from the deemed COD of the Project (i.e. 4.9.2021) till the actual COD of the inter-connection facility i.e. 8.10.2021 which was within the scope of Respondent No.1, on bilateral basis, in terms Regulation 13(12) of the Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2020.

2. In response to the specific query of the Commission with regard to starting of the actual power flow from the Petitioner's Project, learned senior counsel submitted that the actual power was started w.e.f. 9.10.2021 i.e. after the interconnection facilities to be established by Respondent No.1 achieved COD on 8.10.2021.

3. The representative of the Respondent No.1, PKTSL submitted that the Petitioner has not mapped the Respondent on the e-filing portal of Commission and as result the Respondent has not received the copy of the Petition.

4. After hearing the learned counsel for the Petitioner, the Commission ordered as under:

(a) The Petitioner to ensure that all the Respondents are mapped on the e-filing portal of the Commission.

(b) Admit. Issue notice to the Respondents.

(c) The Petitioner to serve copy of the Petition on the Respondents and the Respondents to file their reply to the Petition within four weeks after serving copy of the same to the Petitioner who may file its rejoinder within four weeks thereafter.

(d) The Petitioner to file the following information on affidavit within three weeks:

(i) Copy of survey Report of the BPC for Bikaner (PG) – Khetri S/s 765 kV D/c line.

(ii) Copy of survey Report, if any, conducted by the Petitioner for Bikaner (PG) – Khetri S/s 765kV D/c line.

(iii) Route map indicating the original route of Bikaner (PG) – Khetri S/s 765kV D/c line as per the survey report of the BPC and the actual route followed by the Petitioner along with its length. Original location of Khetri S/s as well as revised location along with forest area may be clearly indicated in the map.

(iv) Status of COD 765/400 kV Khetri S/s, Khetri-Sikar 400 kV D/C line and Khetri-Jatikara 765 kV D/c Line as on 04.09.2021 when the Petitioner declared the deemed COD of its components.

(v) Copy of the Schedule 3 of the TSA.

(vi) Summary of Force Majeure events as per below table:

| 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 force majeure event | Date of serving the notice to LTTCs |
|--------|--|---|----|-----------------------------------|----|---|-------------------------------------|
|        |  | From  | To | From                              | To |   |                                     |
|        |  |   |    |                                   |    |   |                                     |

(vii) Summary of Change in Law events as per below table:

| 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 LTTCs |
|--------|--|---|--|-------------------------------------|
|        |  |   |  |                                     |

(e) Parties to comply with the above direction within the specified timelines and no extension of time shall be granted.

5. The Petition shall be listed for hearing on 11.5.2023.

**By order of the Commission**

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