

**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 : **11.8.2023**
- Coram : Shri Jishnu Barua, Chairperson
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. Supriya Rastogi, Advocate, BKTL
Shri Siddharth Sharma, CTUIL
Ms. Swapna Seshadri, CTUIL
Ms. Surbhi Gupta, CTUIL
Shri Prashant Kumar, PKTSL

Record of Proceedings

During the course of the hearing, learned senior counsel for the Petitioner submitted that the present Petition has been filed, *inter-alia*, seeking an extension of time for achieving Commercial Operation Date (COD) of its Project and compensation on account of the occurrence of Force Majeure and Change in Law events, along with other consequential relief. Learned senior counsel, *inter-alia*, submitted on the aspects of various Force Majeure and Change in Law events that delayed the COD of the project by more than 8 months (i.e. 247 days), enhanced the project cost, and also resulted in the loss of tariff as the Petitioner has made its bid for 35 years, out of which 8 months have been lost.

2. Learned senior counsel 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 of Regulation 13(12) of the Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2020.

3. Matter remains part-heard. The Petition shall be listed for hearing on **4.10.2023**.

By order of the Commission
SD/-
(T.D. Pant)
Joint Chief (Law)