

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 87/MP/2022**

- Subject : Petition under Sections 79(1)(c), 79(1)(d), 79(1)(f) and 79(1)(k) of the Electricity Act, 2003, read with Articles 11, 12 and 16 of the Transmission Services Agreement dated 10.01.2018, seeking declaration, 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.
- Date of hearing : 7.2.2023
- Coram : Shri I.S. Jha, Member  
Shri Arun Goyal, Member  
Shri P.K. Singh, Member
- Petitioner : Fatehgarh - Bhadla Transmission Limited (FBTL)
- Respondents : Adani Renewable Energy Park Rajasthan Ltd. (AREPRL) and 2 Ors.
- Parties present : Shri Sanjay Sen, Sr. Advocate, FBTL  
Shri Hemant Singh, Advocate, FBTL  
Shri Lakshyjit Singh Bagdwal, Advocate, FBTL  
Ms. Ruth Elavin, Advocate, FBTL  
Ms. Neha, Advocate, FBTL  
Shri. Afak Pothiwala, FBTL  
Ms. Sakshi Kapoor, AREPRL  
Shri Alok Shankar, Advocate, CTUIL  
Shri. Swapnil Verma, CTUIL  
Ms. Muskan Agarwal, CTUIL

**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 the Project and compensation on account of occurrence of Force Majeure and Change in Law events along with other consequential reliefs. Learned senior counsel submitted that the Project of the Petitioner achieved the commercial operation on 31.7.2021 against the Scheduled COD of 30.9.2019 and thus, there has been delay of approximately 22 months on account of various events beyond the control of the Petitioner. Learned senior counsel further submitted that the Commission vide order dated 8.1.2020 in Petition No. 126/MP/2019 filed by the Petitioner has already held that the imposition of condition to re-route the transmission lines by forest authorities is an event of Change in Law. However, since at that stage, the Petitioner was yet to implement the Project, the Commission granted liberty to the Petitioner to approach the Commission for appropriate reliefs in

terms of the provisions of the Transmission Service Agreement (TSA) after completion of the Project.

3. Learned counsel appearing on behalf of CTUIL submitted that in the present case only CTUIL and Adani Renewable Energy Park Rajasthan Limited – Solar Power Park have been made parties to the Petition and since there is possibility of the charges being passed on to the beneficiaries/ Discoms located therein, the Petitioner ought to also implead such beneficiaries/ Discoms as party to the Petition.

4. Learned senior counsel for the Petitioner opposed the aforesaid submission made by the representative of CTUIL and submitted that only signatory to the TSA is AREPRL. Since the claims of the Petitioner are under the TSA, the Petitioner has impleaded AREPRL as party to the Petition along with CTUIL and BPC. Learned senior counsel further submitted that there is no privity of contract between the Petitioner and the beneficiaries located in the Solar Park and as such a party, who is not privy to the contract, cannot have a say in the rights of the parties to the contract. Learned senior counsel also stated that if CTUIL was of the view that their impleadment was necessary, it ought to have filed its reply on this aspect. However, no reply has been filed by CTUIL in this regard. He also clarified that in the present case, the issue of mis-match and consequent liabilities as contended by CTUIL is not involved.

5. After hearing the learned senior counsel for the Petitioner and the representative of CTUIL and keeping in view the peculiar circumstances of this case wherein the only signatory to TSA is a Solar Power Park Developer, the Commission observed that it would be prudent to hear the beneficiaries of the Northern Region in the present case. Accordingly, the Commission ordered as under:

(a) The Petitioner to implead the beneficiaries of Northern Region as party to the Petition and to file revised memo of parties within a week.

(b) The Petitioner to also serve copy of the entire petition on the Respondents and the Respondents to file their reply, if any, within three weeks with copy to the Petitioner who may file its rejoinder within two weeks thereafter.

(c) BPC to file its reply and to depute the officer well acquainted with the facts of the case in the next date of hearing.

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

6. The Petition shall be listed for hearing on 20.4.2023.

**By order of the Commission**

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