

**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 : 20.4.2023
- Coram : Shri Jishnu Barua, Chairperson  
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  
Ms. Ruth Elwin, Advocate, FBTL  
Shri Hemant Singh, Advocate, FBTL  
Shri Lakshyajit Singh Bagdwal, Advocate, FBTL  
Ms. Lavanya Panwar, Advocate, FBTL  
Shri Afak, FBTL  
Ms. Sakshi Kapoor, Advocate, ARERPL  
Shri Alok Shankar, Advocate, CTUIL  
Shri Kumarjeet Ray, Advocate, CTUIL  
Shri Yatin Sharma, CTUIL  
Shri Ranjeet S Rajput, CTUIL

**Record of Proceedings**

During the course of hearing, the learned senior counsel for the Petitioner made detailed submissions in the matter. However, due to paucity of time, his submissions could not conclude. Learned senior counsel pointed out that in compliance with the direction of the Commission vide Record of Proceedings for the hearing dated 7.2.2023, the Petitioner has impleaded the beneficiaries of the Northern Region as party to the Petition and served them with the copy of the petition. However, none of these beneficiaries have filed reply to the Petition.

2. The representative of the Respondent, CTUIL also submitted that these Northern Region Beneficiaries may be given one more opportunity to file their reply to the Petition.



3. None was present on behalf of the BPC, namely, PFCCL despite notice. The Commission expressed strong displeasure towards the conduct of PFCCL in complete defiance to the Commission's direction dated 7.2.2023 to file its reply and further to depute a competent Officer well acquainted with the facts of case in today's hearing. However, the Commission deemed it appropriate to give one more opportunity to PFCCL and accordingly, directed PFCCL to depute a competent Officer well acquainted with the facts of case in the next date of hearing without fail.

4. After hearing the learned senior counsel for the Petitioner and the Respondent, CTUIL, the Commission once again permitted all the Respondents, including CTUIL & PFCCL to file their reply, if any, within three weeks with copy to the Petitioner who may file its rejoinder within two weeks thereafter.

4. The Commission also directed the Petitioner to furnish the following details/ information, on affidavit, within two weeks of this order:

(a) Basis of claiming the IDC and computation thereof duly indicating the deployed capital/debt on which such IDC has been calculated.

(b) Whether NOC from Defence Department was required for original route of Fatehgarh- Bhadla transmission line, if yes, date of making of application for the same and whether it was granted or not by the Defence Department.

(c) Copy of survey report for the revised route conducted by the Petitioner (146 Km).

(d) Information regarding Force Majeure events and Change in Law events, as per the table below:

**Summary of Force Majeure events**

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 FM event	Date of serving of the notice to LTTC
		From	To	From	To		

**Summary of Change in Law events**

Sl. 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 of the notice to LTTCs

5. The matter remained part-heard. The Petition shall be listed for hearing on 13.6.2023.

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