

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.90/MP/2020 along with IA Nos. 40/2023 & 41/2023**

- Subject : Petition under Sections 63 and 79 (1)(f) of the Electricity Act, 2003 read with statutory framework and Article 11 and Article 12 of the Transmission Service Agreement dated 4.3.2016 executed between Gurgaon Palwal Transmission Limited and its Long-Term Transmission Customers for compensation due to Change in Law and seeking extension to the Scheduled Commissioning Date of the relevant elements of the Project on account of Force Majeure events.
- Date of Hearing : **15.9.2023**
- Coram : Shri Jishnu Barua, Chairperson  
Shri I. S. Jha, Member  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member
- Petitioner : Gurgaon Palwal Transmission Limited (GPTL)
- Respondents : UTC, Chandigarh and Ors.
- Parties Present : Shri Sanjay Sen, Sr. Advocate, GPTL  
Shri Deep Rao, Advocate, GPTL  
Ms. Harneet Kaur, Advocate, GPTL  
Ms. Ruth Elwin, Advocate, GPTL  
Ms. Neha M. Dabral, Advocate, GPTL  
Shri Prateek Rai, GPTL  
Shri Neeraj Kumar, NLDC  
Shri Gajendra, NLDC  
Shri Sanny Machel, NLDC  
Ms. Suparna Srivastava, Advocate, CTUIL  
Shri Tushar Mathur, Advocate, CTUIL  
Ms. Divya Sharma, Advocate, CTUIL  
Shri V. C. Sekhar, CTUIL  
Shri Prashant Kumar, CTUIL  
Shri Yatin Sharma, CTUIL  
Shri Kashish Bhambhani, CTUIL  
Shri Ranjeet Rajput, CTUIL  
Shri V. Srinivas, CTUIL  
Shri Ajay Upadhyay, CTUIL  
Ms. Swapna Seshadri, Advocate, PSPCL  
Ms. Shivani Verma, Advocate, PSPCL  
Shri Raheel Kohli, Advocate, HVPNL  
Shri G Sai Kumar, Advocate, HVPNL  
Shri Akshat Jain, Advocate, UPPCL  
Shri Avdesh Mandloi, Advocate, UPPCL  
Ms. Poorva Saigal, Advocate, PGCIL  
Shri Shubham Arya, Advocate, PGCIL

Ms. Anumeha Smiti, Advocate, PGCIL  
Ms. Reeha Singh, Advocate, PGCIL

**Record of Proceedings**

During the course of the hearing, learned senior counsel for the Petitioner and the learned counsel for the Respondents made their respective submissions covering the various aspects such as charging & commissioning details of the various elements of the Project, sequence of commissioning of elements as provided in Schedule 3 of TSA, their inclusion in the PoC Pool and basis thereof, non-readiness/mismatch in commissioning of the downstream elements, and consequent liability to bear the transmission charges, etc.

2. Based on the request of the learned counsel for the parties, the Commission permitted the parties to file their respective written submissions, if any, within two weeks with a copy to the other side.

3. The Commission directed CTUIL to furnish the following details/ clarification on the affidavit within two weeks:

(a) Considering that Aligarh-Prithala line, Prithala GIS S/s, Kadarapur S/s, Prithala-Kadarapur line, and Sohna Road S/s were included for PoC calculation for the full quarter (October, 2019 to December, 2019) by NLDC on anticipated basis, did CTUIL disburse charges to GPTL from 1.10.2019. As per Petitioner, GPTL, it got charges from PoC from 1.11.2019, 3.11.2019, 11.12.2019, 7.12.2019, and 13.4.2020 respectively from CTUIL. What documents were checked before the disbursement and how did CTUIL decide dates from when it would do the disbursement?

(b) Whether the validation committee asked CTUIL to bill for the full quarter irrespective of the fact that the line is commissioned or carries power?

(c) Did CTUIL always disburse transmission charges to all transmission licensees anticipated to be commissioned in the ensuing quarter, and included in POC calculations for the quarter based on such anticipated commissioning, for the full quarter under the Sharing Regulations, 2010 irrespective of its actual commissioning or put to use? What are the provisions of the Revenue Sharing Agreement entered into by CTUIL with the said licensee?

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

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