

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.13/MP/2021

Subject : Petition under Section 63 and Section 79 of the Electricity Act, 2003 read with Regulation 86 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 for relief under Force Majeure, (Article 11) and Change in Law, (Article 12) of Transmission Service Agreement dated 31.08.2015, related to Strengthening of Transmission System beyond Vemagiri.

Petitioner : Powergrid Southern Interconnector Transmission System Limited (PSITSL)

Respondents : Southern Power Distribution Co. of Andhra Pradesh Ltd. and Ors.

Date of Hearing : **20.8.2024**

Coram : Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member

Parties Present : Shri M. G. Ramachandran, Sr. Advocate, PSITSL
Shri Shubham Arya, Advocate, PSITSL
Ms. Reeha Singh, Advocate, PSITSL
Shri V. C. Shekhar, PSITSL
Shri Prashant Kumar, PSITSL
Shri S. Vallinayagam, Advocate, TANGEDCO
Shri M. Sethuraman, TANGEDCO
Dr. R. Kathiravan, TANGEDCO

Record of Proceedings

The learned senior counsel for the Petitioner submitted that the present matter has been re-listed for the hearing in terms of the judgment of the Appellate Tribunal for Electricity dated 12.8.2024 in Appeal No. 194 of 2022 preferred by the Petitioner against the Commission's order dated 7.5.2022. He further submitted that as per the said judgment, the Commission is required to pass a fresh order in light of the observations made by the APTEL therein after hearing the parties within two months from the receipt of a copy of the judgment. The learned counsel submitted that in terms of the said judgment, the Commission is now required to determine the applicable rate(s) of the carrying cost and claims of IDC incurred on account of the Change in Law and force majeure event(s) and the Petitioner will file its submissions on the above aspects within three days. He also added that the APTEL, having condoned the delay in completion of the Project as force majeure, the Respondent(s) ought to be directed to refund the liquidated damages levied and recovered from the Petitioner.

2. The learned counsel for the Respondent, TANGEDCO, prayed for time to file a reply in the matter.

3. Considering the submissions made by the learned senior counsel and the learned counsel for the parties, the Commission permitted the Petitioner to file its

affidavit, if any, within three days with a copy to the other side, and the Respondents were permitted to file their respective reply, if any, within a week thereafter.

4. The Petition will be listed for hearing **on 9.9.2024.**

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