

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 131/MP/2024**

- Subject : Petition under Rule 3(7) and Rule 3(8) of the Electricity (Timely Recovery of Costs due to Change in Law) Rules, 2021 read with Article 12 of the Transmission Service Agreement dated 07.12.2018 executed between Mumbai Urja Marg Limited/Petitioner and its Long-Term Transmission Customers, and Sections 61 and 63 of the Electricity Act, 2003, seeking verification of the calculation of the impact due to change in law events on the cost of implementation of the Petitioner's transmission project, and consequent adjustment in the monthly transmission charges.
- Date of Hearing : **18.10.2024**
- Coram : Shri Jishnu Barua, Chairperson  
Shri Ramesh Babu V., Member  
Shri Harish Dudani, Member
- Petitioner : Mumbai Urja Marg Limited (MUMML)
- Respondents : Maharashtra State Electricity Distribution Company Limited & Anr
- Parties Present : Shri Basava Prabhu Patil, Sr. Advocate, MUMML  
Shri Deep Rao, Advocate, MUMML  
Shri Anup Jain, Advocate, MSEDCL  
Ms. Nishtha Goel, Advocate, MSEDCL  
Shri Anand K Ganesan, Advocate, GUVNL  
Shri Utkarsh Singh, Advocate, GUVNL  
Shri Parth Bhalla, Advocate, GUVNL

**Record of Proceedings**

During the course of the hearing, learned senior counsel for the Petitioner and the learned counsel for the Respondent, GUVNL made their detailed submissions on the aspects of Change in Law claims viz. (i) Increase in the Net Present Value payable for diversion of forest land, and (ii) Imposition of the requirement to pay land and surface damages compensation to forest dwellers in the State of Arunachal Pradesh as well as grant of carrying cost thereon. Learned counsel for the Respondent, MSEDCL also submitted that the Respondent has already filed its reply which may be considered.

2. Based on their request, the Commission permitted the parties to file their respective written submissions, if any, within two weeks with a copy to the other side.
3. Further, the Commission also directed the Petitioner to furnish the following details / information / clarification, on an affidavit, within two weeks:
  - (i) Copy of letter dated 20.12.2021 as issued by Office of Deputy Commissioner, Papum Pare in its entirety along with Annexures 1-6 and Annexures A – H.
  - (ii) Indicate the category of forest (Reserve forest / Wildlife Sanctuary / unclassified forest / village forest, etc.) where compensation was paid as per the

applicable law to the forest dwellers. How, the Petitioner considered the nil compensation for forest dwellers while applying the bid in Jhum line where Jhum Land Regulations, 1947 provides for compensation to Jhum dwellers. Further, justification is to be given for claiming the Change in Law.

(iii) The number of beneficiaries to whom the compensation to tune of Rs. 22,97,54,500/- was awarded and deposited in the Office of Deputy Commissioner, Papum Pare in pursuance of its letter dated 20.12.2021.

(iv) The details regarding the tower location and RoW corridor of PN Line and LILO of PN Line situated upon Jhum Lands, if any, as specified under Jhum Land Regulations, 1947.

(v) It is observed that compensation claimed under Surface Damages has been primarily awarded for damages to structures, various types of trees, crops, etc. Brief explanation be given how the direction to pay such compensation can be termed an imposition of new condition, beyond what has been envisaged as 'damages' in Sections 67 & 68 of the Electricity Act and Section 10(d) of the Telegraph Act. Such an explanation may also be provided in the context of customary rights vested in the member(s) of village / community under Jhum Land Regulations, 1947 and their rights to be compensated for damages to their structure / cultivation on such lands.

4. The Respondent No. 8, Deptt. of Power, Arunachal Pradesh to also clarify whether there were guidelines/notification prevailing in the State of Arunachal Pradesh as on/before 20.5.2019 providing for the compensation towards (i) land and/or RoW, and (ii) surface damages in respect of lands other than private land, within two weeks with copy to the Petitioner, who may file its response thereon, if any, within a week, thereafter.

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

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