

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 161/MP/2023

- Subject : Petition under Section 79 of the Electricity Act, 2003 read with Article 11 and 12 of the Transmission Service Agreement dated 23.10.2019 executed between Lakadia Banaskantha Transco Limited and Powerica Limited seeking extension of SCOD due to various events of Force Majeure & Change in Law and compensation/ appropriate relief to offset the adverse effect of the Force Majeure and Change in Law events.
- Date of Hearing : **27.9.2024**
- Coram : Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member
- Petitioner : Lakadia Banaskantha Transco Limited (LBTL).
- Respondent : Powerica Limited and 2 Ors.
- Parties Present : Shri Amit Kapur, Advocate, LBTL
Shri Akshit Jain, Advocate, LBTL
Shri Sayan Ghosh, Advocate, LBTL
Ms. Surbhi Gupta, Advocate, LBTL
Shri Vyom Chaturvedi, Advocate, MSEDCL
Shri Ravi Sharma, Advocate, CSPDCL
Shri Anand Ganeshan, Advocate, GUVNL, DNHPDCL
Shri Utkarsh Singh, Advocate, GUVNL
Shri Parth Bhalla, Advocate, GUVNL
Ms. Ritu Apurva, Advocate, DNHPDCL
Shri Karthikeyan Murugan, Advocate, DNHPDCL
Ms. Sanjeevani Mishra, Advocate, DNHPDCL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition had been filed, *inter alia*, seeking an extension of the Scheduled Commercial Operation Date due to various events of Force Majeure and Change in Law and compensation/ appropriate relief to offset the adverse effects of Force Majeure and Change in Law events. Learned counsel further circulated a note of arguments and made brief oral submissions indicating the timeline of events and the issues involved in the matter. Learned counsel added that the Petitioner had commissioned the transmission line on 1.9.2022 (i.e, after a delay of 429 days) due to the various Force Majeure events, namely (a) delay in SPV acquisition, (b) outbreak of COVID-19 pandemic, (c) issues of RoW, and (d) delay in delivery and price variation of commodity due to Covid-19 pandemic and Russia-Ukraine War. Learned counsel further submitted that the Petitioner has suffered an increase in expenditure on account of various Change in Law events, namely (a) the COVID-19 pandemic & nationwide lockdown, (b) increase in compensation payable to landowners due to revision in value of land under transmission tower and RoW corridor, (c) increase in crop

compensation, and (d) increase in compensation towards Right of Way ('RoW') corridor towards the diminishing in the value of land.

2. Learned proxy counsel for the Respondent, Chhattisgarh State Power Distribution Company Limited (CSPDCL) sought four weeks to file its reply due to the non-availability of certain documents and their translated versions, which are still awaited from the Petitioner.

3. In response, learned counsel for the Petitioner submitted that the translated copies of the documents have already been provided to the Respondents, including CSPDCL, and other Respondents have already filed their replies based on the documents furnished by the Petitioner.

4. Learned counsel for Respondent No. 2, REC Transmission Projects Company Limited (RECTPCL), submitted that its reply is ready, and REC may be permitted to file the same.

5. Considering the submissions made by the learned counsels for the parties, the Commission directed the Respondents CSPDCL and RECTPCL as a last opportunity to file their respective reply (s) within two weeks with a copy to the Petitioner, who may file its rejoinder within two weeks thereafter.

6. The Commission further directed the Petitioner to file the following information on an affidavit within three weeks, along with the relevant documents:

(a) Amount of IDC and IEDC (provide separate numbers) factored in by the Petitioner while quoting the bid.

(b) Amount of IDC and IEDC actually incurred up to SCOD of the project, i.e. 30.6.2021.

(c) Detailed calculations of IDC and IEDC amounting to Rs.56.70 crore and 4.87 crore, respectively as claimed by the Petitioner. Whether these IDC and IEDC are towards additional expenditure on claimed Change in Law event or on total capital expenditure?

(d) Details of the loan infusion dates, amount infused, and rate of interest thereof.

(e) The details of Change in Law events which have affected the execution of each of the elements of the transmission scheme covered under the present Petition as under:

Sl. No.	Name of Transmission Element	Detail of Change in Law event	Date of occurrence of Change in Law event	Amount of compensation claimed on account of Change in Law (in Rs.)	Additional IDC (in Rs)	Additional IEDC (in Rs.)	Time extension, if any, sought by the Petitioner against such Change in Law events under its claim of Force Majeure.
1.							
2.							

(f) Details of commodity price variation and actual impact on the project, as claimed by the Petitioner. The Petitioner is to provide a copy of contracts and Purchase Orders supporting its claim.

7. The Petition will be listed for the hearing on **19.11.2024**.

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