

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 173/MP/2023

Subject : Petition under Section 79 of the Electricity Act, 2003 read with Article 11 and 12 of the Transmission Service Agreement dated 23.04.2019 executed between WRSS XXI (A) Transco Limited and the LTTCs - Adani Green Energy (MP) Limited, Adani Green Energy Limited and Netra Wind Pvt. 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.

Petitioner : WRSS XXI(A) Transco Limited (WRSS TL)

Respondents : Adani Green Energy (MP) Limited (AGEMPL) and Ors.

Date of Hearing : **18.10.2024**

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

Parties Present : Shri Amit Kapur, Advocate, WRSS TL
Shri Akshat Jain, Advocate, WRSS TL
Shri Krishan S. Rana, Advocate, WRSS TL
Shri Sayan Ghosh, Advocate, WRSS TL
Shri Anup Jain, Advocate, MSEDCL
Ms. Nishtha Goel, Advocate, MSEDCL
Shri Ravi Sharma, Advocate, CSPDCL
Shri Anand Kumar Shrivastava, Advocate, CSPDCL
Shri Ravi Nair, Advocate, CSPDCL
MS. Priya, Advocate, CSPDCL
Shri Mudassir, Advocate, CSPDCL
Shri Sanjay Verma, CSPDCL
Shri Anand K Ganesan, Advocate, GUVNL
Shri Utkarsh Singh, Advocate, GUVNL
Shri Parth Bhalla, Advocate, GUVNL
Shri Deepak Khurana, Advocate, REC
Shri Abhishek Bansal, Advocate, REC

Record of Proceedings

Due to a paucity of time, the matter could not be taken up for a hearing, and it was, accordingly, adjourned.

2. Learned counsel for the Petitioner, however, submitted that necessary direction(s) may be issued for the completion of the Pleadings in the matter. In response, learned counsel for the Respondent, CSPDCL submitted that keeping in

view that the Petitioner has also claimed for IDC & IEDC towards Change in Law and Force Majeure, the Respondent vide its letter dated 24.2.2024 had asked the Petitioner to furnish (i) copy of outsourcing/execution contract with L&T, (ii) communications made with L&T for timely completion of the Project and (iii) translated copies of certain pages of annexures, which are in regional language. Learned counsel submitted that these documents have not been provided so far and are requisite documents for filing the reply.

3. In response, learned counsel for the Petitioner opposed the Respondent's requisitioning of documents by way of a letter, especially during the pendency of the Petition, and further pointed out that the Respondent could have very well sought such details/information along with its reply or by moving a separate IA if so required.

4. Considering the submissions made by the learned counsel for the parties, the Commission observed that *vide* Record of Proceedings for hearing dated 19.2.2024, the Respondents, including CSPDCL were granted a last opportunity to file their respective reply(s), if any. However, CSPDCL does not appear to have filed its reply on the pretext of the Petitioner not having furnished certain document(s) along with the Petition. The Commission, however, noted that the letter as referred by Learned Counsel by the Respondent cannot take place of pleadings, and directed the Respondents, including CSPDCL, to file their respective replies reserving rights available to them as per law, if any, within three weeks as a last opportunity, with an advance copy to the Petitioner, who may file its rejoinder, if any, within three weeks thereafter.

5. The Commission directed the Petitioner to submit on an affidavit within 4 weeks the following information:

- (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. 31.12.2020.
- (c) Detailed calculations of IDC and IEDC amounting to Rs.71.76 crores and Rs. 7.49 crores respectively as claimed by the Petitioner. Whether this IDC and IEDC is 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 the 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 INR)	Additional IDC (in INR)	Additional IEDC (in INR)	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 calculations of 'payment of IEDC and price variation to contractor due to COVID as claimed along with copies of relevant Contracts and Purchase Orders supporting their claim.

(g) Details of calculations of 'Commodity Price Variation' and its actual impact on the project, as claimed by the Petitioner. Provide copies of the relevant Contracts and Purchase Orders supporting their claim.

6. The Petition will be listed for the hearing on **13.1.2025**.

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