

**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.

Petitioner : Mumbai Urja Marg Limited (MUML).

Respondent : Maharashtra State Electricity Distribution Co. Limited and Ors.

**Petition No. 256/MP/2023**

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 23.04.2019 executed between Lakadia-Vadodara Transmission Project 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.

Petitioner : Lakadia-Vadodara Transmission Project Limited (LVTPL).

Respondent : Adani Wind Energy Kutchh One Limited and Ors.

Date of Hearing : **5.9.2024**

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

Parties Present : Shri Deep Rao Palepu, Advocate, LVTPL & MUML  
Shri Alok Shankar, MPPMCL

**Record of Proceedings**

The matters were mentioned by the learned counsel for the Petitioners. Learned counsel submitted that the matters are part-heard and since they have been filed *inter alia* under Rules 3(7) and 3(8) The Electricity (Timely Recovery of Costs due to Change in Law) Rules, 2021, which *inter-alia* envisage a timebound verification and adjustment

of Change in Law impact, these matters may be listed for the hearing at the earliest preferably in the last week of September 2024.

2. Learned counsel for the Respondent, M.P. Power Management Company Limited (MPPMCL) sought liberty to file a reply in the matters.

3. Considering the above, the Commission deemed it appropriate to permit a final opportunity for all the Respondents to file their reply, if any, within a week with a copy to the Petitioners, who may file its rejoinder within four days thereafter.

4. **In Petition No. 256/MP/2023, the Petitioner and GUVNL are directed to submit the following information within a week with a copy to other side:**

**Petitioner:**

- a. Submit the excel sheets of the tables as submitted vide affidavit dated 30.6.2024.
- b. There is some mismatch in the details of the Petitioner's claim as submitted vide affidavit dated 07.05.2024 vs affidavit dated 30.06.2024, which is as under:

RoW compensation as per GoG Resolution of 2017 and GOG Resolution of 2021					
Compensation for	District	As per Petitioner's affidavit dated 07.05.2024		As per Petitioner's affidavit dated 30.06.2024	
		Amount of compensation payable as per GoG resolution 2017 (in Rs.)	Amount of compensation payable as per GoG resolution 2021 (in Rs.)	Amount of compensation payable as per GoG resolution 2017 (in Rs.)	Amount of compensation payable as per GoG resolution 2021 (in Rs.)
Tower Footing	Ahmedabad	50,06,043.00	1,33,92,222.00	50,06,043.00	1,13,86,834.00
	Anand	55,03,834.00	65,31,347.00	55,03,826.00	34,14,603.00
	Kheda	2,78,774.00	2,78,774.00	2,78,774.00	-
	Kutch	4,03,821.00	2,14,48,734.00	4,17,068.00	1,75,93,337.00
	Morbi	24,46,332.00	4,91,35,148.00	24,33,086.00	4,86,85,724.00
	Surendernagar	32,11,478.00	1,60,32,499.00	32,11,478.00	1,28,20,817.00
	Vadodara	1,80,21,909.00	6,23,22,437.00	1,80,21,907.00	5,82,06,478.00
	<b>Total</b>	<b>3,48,72,191.00</b>	<b>16,91,41,161.00</b>	<b>3,48,72,182.00</b>	<b>15,21,07,793.00</b>
Row Corridor	Ahmedabad	1,97,31,878.00	8,85,51,291.00	1,97,31,878.00	7,02,72,552.00
	Anand	30,99,728.00	95,69,462.00	30,99,728.00	51,72,062.00
	Kheda	5,46,482.00	20,46,969.00	5,46,482.00	1,46,88,218.00
	Kutch	16,91,791.00	16,08,25,207.00	16,91,791.00	16,08,25,207.00
	Morbi	1,10,74,860.00	49,97,38,214.00	1,10,74,861.00	49,97,38,214.00
	Surendernagar	2,05,33,544.00	18,71,51,386.00	2,05,33,544.00	18,71,51,386.00
	Vadodara	4,30,85,184.00	29,37,67,081.00	4,30,85,184.00	29,30,57,101.00

	<b>Total</b>	<b>9,97,63,467.00</b>	<b>1,24,16,49,610.00</b>	<b>9,97,63,468.00</b>	<b>1,23,09,04,740.00</b>
	Grand Total	13,46,35,658.00	1,41,07,90,771.00	13,46,35,650.00	1,38,30,12,533.00
	Change in Law claimed	1,27,61,55,113.00		1,24,83,76,883.00	

The Petitioner to clarify the reasons for the different data in different affidavits and also indicate which affidavit is to be considered as furnishing the correct data.

- c. Submit on an affidavit the reasons for claiming the 2021 GoG resolution as Change in Law. What are changes from 2017 Resolution?
- d. The Petitioner has submitted that RoW compensation was paid to private landowners based on the land rates determined by the concerned DC/DM issued prior to issuance of CIL Rules in October 2021. In such case, how the DC/ DM orders which were issued prior to the 22.10.2021 have been submitted as covered under the CIL Rules.
- e. As per the details filed by the Petitioner for RoW Compensation (Transmission Corridor), the DC/DM orders were passed in the year 2020-21, however the compensation were paid in the year 2022 with a delay of approximately 1-2 years. Submit the reasons for delay in disbursement of compensation.
- f. The Petitioner has considered the compensation amount as double the rates determined by DC/DM in the year 2020-21 citing the 2021 GOG Resolution (stating that the same provides for compensation on 15% value of land instead of 7.5%). Therefore, the Petitioner to clarify, if the compensation amount was already fixed in the year 2020-21 as per DC/DM orders, on what basis the Petitioner on its own count considered the revised numbers. Further, in such cases (for example Kutch, Ahmedabad, Surendernagar districts) whether revised DC/DM orders were issued for payment of the compensation @ 15% value of land instead of 7.5% value of land. If yes, the Petitioner to furnish the same.
- g. The Petitioner was directed vide RoP for the hearing dated 08.05.2024 to provide the Jantri Rate as per the 2021 Resolution (considering a max. increase of 10% per annum (compounding)) (Rs. Sq./mtr.) and the total compensation payable as per the 2021 Resolution (Rs.) in the table, however in most of the cases the Petitioner has not furnished the same and stated as "NA". The Petitioner to calculate the Jantri Rate as per the 2021 Resolution and total compensation payable as per those rates and to submit the revised tables accordingly.
- h. As per the details filed, for Kheda District and Vadodara Districts (RoW-Transmission Corridor), some payments against same village (such as VIROJA, Kheda District) have been made as per 2017 Resolution and some as per 2021 Resolution while the date of payment of the compensation under 2017 Resolution and 2021 Resolution is same i.e., 26.09.2022 and 28.09.2022. The Petitioner to clarify the basis for consideration of different rates.

Similarly, in Vadodara District for Gajadra Village, the Petitioner has considered the Jantri Rates as per 2017 Resolution and the payment has been made on 16.1.2023, while for other villages, the Petitioner is considering the Jantri rates as per 2021 Resolution and the date of payment of the compensation is before

16.1.2023. The Petitioner to clarify the basis of consideration of the different rates for compensation.

- i. Copy of the order dated 19.5.2022 issued by the concerned District Judge in respect of Vadodara District (Village-Padamla).

**GUVNL:**

- j. The Petitioner has considered Jantri rates issued in 2011 for its estimated ROW compensation. In this context, GUVNL is directed to submit the copy of the DC/DM orders issued in respect of Gujarat STU lines or for any other transmission lines for payment of RoW compensation to the private land owners in respect of the districts covered under the instant Petition:
  - a. post 2021 GoG Resolution
  - b. prior to July 2019, the cut-off date for the Petitioner.
- k. Whether the 2021 GoG resolution is a change in law event?

**5. In Petition No. 131/MP/2024, the Petitioner is directed to submit the following information on an affidavit within a week with a copy to other side:**

- a. The Petitioner vide affidavit dated 30.05.2024 has submitted certain tower locations as forest land whereas under the Govt. of Arunachal Pradesh notification dated 09.02.2022, the boundary description of the tower location has been mentioned as private land for the following towers:
  - i. For PN Line, Tower Location No. AP-27 to AP-62
  - ii. For LILO of PN Line, Tower Locations No. AP-3 to AP-11, AP-21 to AP-30, AP-32, AP-34 to AP-49

The Petitioner to clarify the discrepancy.

- b. As per the letter dated 20.12.2021 of DC, Papum Pare to the Petitioner, the route of construction of 132 kV PN Line (Tower No. 62 to 26) and LILO of PN Line (Tower No. 50 to 12) falls under Doimukh Forest Area, which has been notified as de-reserved forest area in 2004 whereas, the Petitioner in its affidavit has claimed Doimukh as reserved forest area. The Petitioner to clarify the reasons for stating the Doimukh forest area as a reserved forest area whereas it has been declared as a de-reserved forest area since 2004.
6. The Petitions will be listed for hearing on **30.9.2024**.

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