

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

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.
- Date of Hearing : **10.4.2024**
- Coram : Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Lakadia-Vadodara Transmission Project Limited (LVTPL)
- Respondents : Adani Wind Energy Kutchh One Limited and Others.
- Parties Present : Shri Basava Prabhu Patil, Sr. Advocate, LVTPL
Shri Deep Rao, Advocate, LVTPL
Shri Parth Parik, Advocate, LVTPL
Ms. Harneet Kaur, Advocate, LVTPL
Ms. Kirti Soni, Advocate, GUVNL
Shri Gajendra Sinh, NLDC
Shri Vyom Chaturvedi, Advocate, MSEDCL
Shri Anup Jain, Advocate, MSEDCL

Record of Proceedings

At the outset, the learned counsel for Respondents, GUVNL, and MSEDCL sought additional time to file their replies in the matter.

2. Learned senior counsel for the Petitioner, however, pointed out that the Western Region Beneficiaries, after having been impleaded as per the directives of the Commission, had ample time to file their respective reply, if any, and seeking the additional time by them at this stage would only delay the proceedings in the matter. Learned senior counsel further submitted that the Petitioner vide Appeal No. 52/2024 had challenged certain directions of the Commission vide Record of Proceedings for the hearing dated 3.1.2024 before the Appellate Tribunal for Electricity (APTEL). The APTEL, vide its Order dated 5.3.2024, has requested the Commission to hear and decide the Petition expeditiously preferably within a period of two months from the

date on which an affidavit of proof of service of notice on impleaded Respondents is filed, i.e. 6.3.2024.

3. Considering the submissions made by the learned senior counsel for the Petitioner and learned counsel for Respondents GUVNL & MSEDCL, the Commission deemed it appropriate to give Respondents the final opportunity to file their respective replies, if any, within ten days, with a copy to the Petitioner who may file its rejoinder, if any, within a week thereafter.

4. The Petitioner was further directed to file the following details/ information /clarification, on affidavit, within 10 days:

(a) As per the Government of Gujarat (GoG) Resolution dated 31.12.2021, there was no change in the existing provision (2) of GoG Resolution dated 14.8.2017 applicable for the land compensation towards transmission tower/ for the establishment of the foundation. Clarify how the same is being considered/ claimed by the Petitioner in the calculations of the compensation for securing RoW in the affidavit dated 8.3.2024.

(b) Clarify the reasons for the manifold increase in the compensation for RoW Corridor, despite the fact that as per the Government of Gujarat (GoG) Resolution dated 31.12.2021, the same has been enhanced from 7.5% to 15% only which is two times.

(c) Basis of consideration of the "Bid Tree Rate as on the cut-off date" in the calculations of the compensation for loss of trees, fruits, and crops in the affidavit dated 8.3.2024. A copy of the notification/ circular based on which such rates have been considered in the calculations.

(d) The details of disbursements made to the individual beneficiaries/ landowners to secure ROW and prevent the loss of trees, fruits, and crops.

5. Respondent, NLDC to indicate, on an affidavit within a week, as to the date of start of the actual recovery of the impact of Change in Law claimed by the Petitioner, i.e., the date from which NLDC considered the said claims in the calculation of the transmission charges under Sharing Regulations, 2020.

6. The Petition will be listed for the hearing on **29.4.2024 at 2.30 p.m.**

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