

**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.
- Petitioner : Lakadia – Vadodara Transmission Project Limited (LVTPL)
- Respondents : Adani Wind Energy Kutchh One Limited and 3 Ors.
- Date of Hearing : **12.2.2024**
- Coram : Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Parties Present : Shri Syed Jafar Alam, Advocate, LVTPL
Shri Ashwin Ramanathan, Advocate, LVTPL
Shri Parth Parik, Advocate, LVTPL
Shri Gajendra Sinh, NLDC
Shri Subhendu Mukherjee, NLDC
Shri Debajyoti Majumder, NLDC
Shri Ashok Rajan, NLDC

Record of Proceedings

At the outset, the learned proxy counsel for the Petitioner submitted that the Petitioner has challenged the Record of Proceedings for the hearing dated 3.1.2024 in the APTEL, which is listed for the hearing on 22.2.2024. Accordingly, the learned proxy counsel prayed for an adjournment in the present matter.

2. Considering the above request, the Commission adjourned the matter.
3. The Commission observed that the Petitioner is yet to comply with the Commission's directions, vide Record of Proceedings for the hearing dated 3.1.2024, inasmuch as the Petitioner is yet to implead GCIL/NLDC and Western Region Beneficiaries as Respondents in the matter and to furnish the additional information as called for by the said Record of Proceedings for the hearing. Accordingly, the Commission once again directed the Petitioner to scrupulously comply with the directions issued under the Record of Proceedings for the hearing dated 3.1.2024 within two weeks. Pursuant thereto, the Western Region Beneficiaries may file their replies to the Petition, if any, within three weeks, and the Petitioner may file its rejoinder(s), if any, within three weeks thereafter.

4. The Commission further directed the parties to file the following information on an affidavit within three weeks:

(a) The Petitioner to file the calculation of ROW compensation and loss of trees, fruits and crops compensation, with discrete rates for the period prior to the issuance of the notifications claimed as Change in Law in the present Petition as well as after the issuance of said notifications versus the estimated compensation considered while bidding along with the basis.

(b) The Revenue Circular dated 12.01.2021 based on which compensation for loss of trees, fruits and crops is being claimed by the Petitioner is issued prior to the date of applicability of the CIL Rules, i.e. 22.10.2021. The Petitioner is to clarify on what basis it is considering the said notification for claims under the CIL Rules.

(c) NLDC to submit as to what prudence checking it has done on the eligibility of the CIL events and the computation of impact on tariff before allowing the recovery of the Change in Law compensation for the Petitioner.

5. The Petition will be listed for the hearing on **10.4.2024**.

By order of the Commission

**Sd/-
(T.D. Pant)
Joint Chief (Law)**