

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.260/MP/2024

Subject : Petition under Sections 79 including Section 79(1)(c), 79(1)(d), 79(1)(f) and 79(1)(k) of the Electricity Act, 2003 read with Articles 11 and 16 of the Transmission Service Agreement dated 2.12.2021 seeking extension of Scheduled Date of Commercial Operation of the Transmission Project and compensation on account of occurrence of Force Majeure and Change in Scope and other consequential reliefs.

Petitioner : Rajgarh Transmission Limited (RTL)

Respondents : Rewa Ultra Mega Solar Ltd. and Ors.

Date of Hearing : **26.11.2024**

Coram : Shri Jishnu Barua, Chairperson
Shri Harish Dudani, Member

Parties Present : Shri Biju Mattam, Advocate, RTL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed *inter alia* seeking an extension of the Scheduled Commercial Operation Date (SCOD) of its Transmission Project and the compensation on account of the occurrence of Force Majeure events and the Change in Scope of the Project along with other consequential reliefs. Learned counsel pointed out that in the present case, the Transmission Project has achieved the commercial operation with a delay of 126 days, and such delay was attributable to the Force Majeure events viz. (i) delay in grant of power line crossing approval by the Madhya Pradesh Power Transmission Co. Ltd, (ii) delay in grant of permission by the District Authority for undertaking controlled blasting to excavate the hard rocks found underneath the land allotted for construction of the sub-station, and (iii) delay in grant of railway line crossing approval by office of the Divisional Railway Manager, Bhopal.

2. Considering the submissions made by the learned counsel for the Petitioner, the Commission ordered as under:

- (a) Admit and issue notice to the Respondents, subject to the just exceptions; and
- (b) Implead all beneficiaries of Western Region as parties to the Petition and file a revised memo of parties within a week;
- (c) The Respondents to file their respective replies within five weeks with a copy to the Petitioner, who may file its rejoinder, if any, within three weeks thereafter.
- (c) The Petitioner to submit the following information on an affidavit within three weeks with relevant supporting documents:

(i) Single Line Diagram (SLD) of the transmission scheme with upstream and downstream interconnecting transmission system;

(ii) Present status of the upstream and downstream interconnecting transmission system

(iii) Status of payment of the transmission charges in respect of the transmission scheme.

(iv) A copy of the advance notice issued in terms of Article 6.1.1 of the TSA

(v) Whether extension of SCOD was discussed between CTUIL/RLDC/ LTTCs under Article 6.1.2 / 4.4.2 of the TSA? If yes, file the conclusions reached in this regard.

(vi) Summary of Force Majeure Events in the following table:

Particular s of the Force Majeure event	Original timeline as per the plan of Petitioner for the activity		Actual Timeline for the activity	Effective (Excluding time planned delay the period to execute the event) due to FM event		Date of Occurrence of Force Majeure event	Date by which notice was required to be served to LTTCs as per TSA	Date of serving the notice to LTTC
	From	To		From	To			
1								
2								

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

(viii) Amount of IDC and IEDC actually incurred up to the SCOD of the project i.e. 29.11.2023.

(ix) Detailed calculations of IDC and IEDC claimed by the Petitioner. Whether the IDC and IEDC are towards additional expenditure on claimed Change in Law event or on total capital expenditure?

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

(xi) The details of Change in Law events that 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.
--	--	--	--	--	--	--	-----------------------------

3. The Petition will be listed for hearing on **13.2.2025**.

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