

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 303/MP/2024

- Subject : Petition under Sections 61, 63 and 79 of the Electricity Act, 2003 read with the statutory framework and Articles 11 and 12 of the Transmission Service Agreement dated 28.02.2019 executed between Udupi Kasargode Transmission Limited and its Long-Term Transmission Customers *inter alia* seeking in-principle approval/ declaration recognizing the Change in Law and Force Majeure events that impacted the implementation of the Project and the Petitioner's right to consequential relief.
- Petitioner : Udupi Kasargode Transmission Limited (UKTL)
- Respondents : Bangalore Electricity Supply Co. Ltd. and Ors.
- Date of Hearing : **8.11.2024**
- Coram : Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member
- Parties Present : Shri Arjun Agarwal, Advocate, UKTL
Shri Munish Siddique, Advocate, UKTL
Shri Parth Parikh, Advocate, UKTL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition had been filed *inter alia* seeking a declaration recognizing various Changes in Law and Force Majeure events in terms of Articles 11 and 12 of the Transmission Service Agreement dated 28.2.2019 that have impacted the implementation of the Project.

2. In response to the specific observation of the Commission regarding the Petition being a pre-mature as the Petitioner's project is still in the implementation stage and that it ought to have been approached after having achieved the commercial operation of the project, learned counsel and the representative of the Petitioner submitted that in the past, the Commission has considered such reliefs in respect of the projects under the implementation stage. Learned counsel added that in the absence of the in-principle approval / declaratory recognition by the Commission of the events as cited in the Petition, the Petitioner's ability to obtain funding from its lenders would be severely compromised, which would further impact the implementation of the project.

3. Considering the submissions made by the learned counsel for the Petitioner, the Commission directed as under:

- (a) Issue notice on the maintainability and

(b) The Respondents to file their respective replies on the maintainability, if any, within three weeks with a copy to the Petitioner, who may file its rejoinder within two weeks thereafter.

4. The Petition will be listed for hearing on the 'maintainability' on **24.12.2024**.

By order of the Commission

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