

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 36/MP/2024

Subject : Petition under Section 79 of the Electricity Act, 2003 seeking extension of SCOD due to delay in commissioning on account of Force Majeure and for recovery of additional Project Costs incurred on account of Change in Law, under the Transmission Service Agreement dated 26.8.2021 between the Respondent No. 1 and the Petitioner.

Date of Hearing : **6.3.2024**

Coram : Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
Shri P. K. Singh, Member

Petitioner : Koppal Narendra Transmission Ltd. (KNTL)

Respondents : ReNew Surya Ojas Pvt Ltd. And Ors.

Parties Present : Shri Vishrov Mukerjee, Advocate, KNTL
Shri Girik Bhalla, Advocate, KNTL
Ms. Shreya Sundararaman, Advocate, KNTL

Record of Proceedings

The learned counsel for the Petitioner submitted that the instant Petition has been filed for seeking extension of the SCOD of the transmission project on account of force majeure events namely, delay in the grant of the Forest Clearance (FC), delay by District Authorities in issuing the compensation orders for ROW over land, severe ROW issues along the route of the transmission line, unprecedented heavy rains and cyclone in the State of Karnataka, closure of stone quarries and crushers in Karnataka, and Court proceedings & stay on stringing of lines in certain segments. He further submitted that due to certain Change in Law events, namely, Increase in Forest NPV, Increase in Compensatory Afforestation Charges, and the Ministry of Power Guidelines, the cost of the transmission project has been increased and accordingly the Petitioner is entitled to be compensated for the same in terms of Article 12 of the TSA. The learned counsel requested to admit the Petition.

2. After hearing the learned counsel for the Petitioner, the Commission directed as under:

(a) Admit and issue notice to the Respondents;

(b) The Petitioner to implead all beneficiaries of Southern Region;

(c) The Petitioner to serve copy of the Petition to the Respondents including the beneficiaries of Southern Region immediately. Respondents to file their respective replies within four weeks with a copy to the Petitioner, who may file its rejoinder, if any, within four weeks thereafter.

3. The Petitioner was directed to submit the following information on an affidavit within three weeks:

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

(b) Present status of upstream and downstream interconnecting transmission system.

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

(d) A copy of the CEA approval for energization for each element.

(e) A copy of RLDC charging certificate for each element.

(f) A copy of the advance notice issued to the LTTC for readiness of the transmission element in terms of the clause 6.1.1 of the TSA.

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

S. No.	Particulars of the Force Majeure event	Original timeline as per plan of Petitioner for the activity		Actual Timeline for the activity		Effective delay (Excluding the time period planned 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				

(h) Summary of Change in Law events in the following table:

S. No.	Particulars of the Change in Law event	Date of Occurrence of Change in Law event	Date by which notice was required to be served to LTTCs as per TSA	Date of serving the notice to LTTC

4. The Petition shall be listed for the hearing on **9.7.2024**.

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