

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**IA (Diary) No. 251/2024 in Petition (Diary) No. 249/2024**

Subject : Application on behalf of the Petitioner for urgent listing of Petition (Diary) No. 249/2024.

Petitioner : Gadag-IIA Transmission Limited (GIIATL)

Respondents : Central Transmission Utility of India Limited (CTUIL) and Ors.

Date of Hearing : **22.5.2024**

Coram : Shri Jishnu Barua, Chairperson  
Shri Arun Goyal, Member

Parties Present : Shri Sanjay Sen, Sr. Advocate, GIIATL  
Ms. Neha Dabral, Advocate, GIIATL  
Shri Girik Bhalla, Advocate, GIIATL  
Shri Damodar Solanki, Advocate, GIIATL  
Ms. Shreya Sundaraman, Advocate, GIIATL  
Shri Mohit Jain, GIIATL  
Shri S. Vallinayagam, Advocate, TANGEDCO  
Shri R. Kathiravan, TANGEDCO  
Shri R. Alamelu, TANGEDCO  
Shri Swapnil Verma, CTUIL

**Record of Proceedings**

Learned senior counsel for the Petitioner submitted that present IA has been moved by the Petitioner seeking urgent listing of the Petition (Diary) No.249/2024, which has been filed seeking extension of the Scheduled Commercial Operation Date (SCOD) of Gagad PS – Koppal PS 400 kV D/c line under the “Transmission Scheme for Solar Energy Zone in Gadag) (1500 MW), Karnataka: Part A-Phase II” due to delay in the commissioning of the said line/Project on account of the certain force majeure events under the Transmission Service Agreement (TSA) dated 18.11.2022 between the Petitioner and CTUIL. Learned senior counsel further submitted that SCOD of the Petitioner’s Project is 17.5.2024 and failure on the part of the Petitioner to achieve the commissioning of the element/Project by the said date would lead to sequestration of its Contract Performance Guarantee and/or liquidated damages under the TSA.

2. The representative of Respondent, CTUIL, submitted that since the bid process for the Project in question had been done under the Tariff Based Competitive Bidding Guidelines for Transmission Service of 2021, a TSA has been entered into with the CTUIL, as the nodal agency. He further submitted that as to the force majeure claims of the Petitioner, CTUIL has so far received two separate notices invoking force majeure from the Petitioner, and while CTUIL has already replied to one of the notices rejecting such claim, the second notice is still under consideration and will soon respond to it.

3. The Commission observed that since the present matter would inevitably invoke the adjudicatory function, the Commission, in view of the judgment of the



Hon'ble Supreme Court in State of Gujarat & Ors. v. Utility Users' Welfare Association & Ors., [(2018) 4 SCC 743], adjourned the matter and directed it to be listed after a Coram having Member (Law) is available.

4. The Petition, along with IA, will be listed for the hearing in due course for which separate notice will be issued.

**By order of the Commission**

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