

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 225/MP/2023

- Subject : Petition under Section 79 of the Electricity Act, 2003 read with Article 11 and Article 12 of the Transmission Service Agreement dated 23.10.2019 executed between Jam Khambaliya Transco Limited and Powerica Limited seeking extension of SCOD due to Force Majeure events and consequential relief to offset the adverse effect of the Force Majeure events and Change in Law events.
- Petitioner : Jam Khambaliya Tarnsco Limited (JKTL)
- Respondents : Powerica Limited and Ors.
- Date of Hearing : **27.2.2025**
- Coram : Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member
Shri Ravinder Singh Dhillon, Member
- Parties Present : Shri Amit Kapur, Advocate, JKTL
Shri Akshat Jain, Advocate, JKTL
Shri K. S. Rana, Advocate, JKTL
Shri Sayan Ghosh, Advocate, JKTL
Shri Afak Pothiawala, JKTL
Shri Prashant Kumar, JKTL
Shri Deepak Khurana, Advocate, RECPDCL
Ms. Nishtha Wadhwa, Advocate, RECPDCL
Shri Ravi Sharma, Advocate, CSPDCL
Shri Aryan Chanda, Advocate, CSPDCL
Shri Vyom Chaturvedi, Advocate, MSEDCL
Shri Venkatesh, Advocate, Powerica
Shri Ashutosh Srivastava, Advocate, Powerica
Shri Nihal Bhardwaj, Advocate, Powerica
Ms. Swapna Seshadri, Advocate, GUVNL
Shri Parth Bhalla, Advocate, GUVNL
Shri Swapnil Verma, CTUIL
Shri Lashit Sharma, CTUIL

Record of Proceedings

At the outset, the learned counsel for the Respondent, Chhattisgarh State Power Distribution Co. Ltd (CSPDCL), sought liberty to file a reply in the matter. Learned counsel also added that in the event the Petitioner is asked to furnish any additional information/details, the Respondent may also be provided an opportunity to file its response thereon.

2. In response, the learned counsel for the Petitioner pointed out that the notice in the matter was issued way back in October 2023, directing the Respondents to file their reply, if any.

3. Considering the submissions made by the learned counsel for the parties, the Commission deemed it appropriate to permit another opportunity for the Respondent, CSPDCL to file its reply in the matter.

4. The Commission directed the Petitioner to file the following information/ details on an affidavit within three weeks with a copy to the Respondents:

(a) Implead all beneficiaries of Western Region, including CGPL as parties to the Petition and file a revised memo of parties within a week.

(b) Which upward/ downward transmission system was not available due to which the Petitioner was forced to declare deemed COD of elements of instant transmission scheme, when the power flow started through the JKTL system.

(c) It is noticed that CEA granted approval for energization for element- 3 of Part-B of JKTL's transmission system vide letter dated 19.4.2022, whereas JKTL declared its deemed COD as on 12.4.2022. i.e., before approval for the energization. Clarify the same.

(d) Amount of IDC and IEDC (provide separate numbers) factored in by the Petitioner while quoting the bid along with supporting documents.

(e) Amount of IDC and IEDC actually incurred up to the SCOD on each of the elements of the project.

(f) Detailed calculations of IDC and IEDC amounting to Rs.10.40 crores and Rs. 1.85 crores, respectively, as claimed by the Petitioner. Whether this IDC and IEDC is towards additional expenditure on claimed Change in Law event or on total capital expenditure?

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.
1.							
2.							

(g) Details of the loan infusion dates, amount infused, and rate of interest thereof:

(h) How much escalation and contingencies were considered as part of the cost estimates at the time of quoting the bid and as on the date what is the actual escalation and contingencies.

(i) Detailed break-up and calculation of the Petitioner's compensation claim towards delay in delivery and price variation of commodities due to Covid-19 and Russia – Ukraine War along with copies of relevant Contracts and Purchase Orders supporting the above claim.

(j) Rates of relevant commodities as prevalent on the Cut-Off date and the escalation thereof as factored into by the Petitioner until the SCOD of the Project? Also, the actual escalation in the rates of such commodities.

(k) Auditor certificate certifying the incremental expenditure incurred by the Petitioner due to (i) delay in delivery, and (ii) price variation of commodities due to Covid-19 and Russia Ukraine War.

5. It is noticed that the CGPL was required to provide space for the implementation of elements of Part C of instant scheme, whereas, the Petitioner has submitted that CGPL has allowed access to site at CGPL Mundra switchyard only in October, 2021 after a delay of about 479 days. CGPL is directed to clarify on an affidavit within four weeks, the reasons for the delay in providing space for implementation, with an advance copy to the Petitioner who may file its response within two weeks thereafter.

6. The Petition will be listed for hearing on **22.5.2025**.

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