

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.403/MP/2024

Subject : Petition under Sections 63 and 79 of the Electricity Act, 2003 read with Articles 12 of the Transmission Service Agreement dated 23.04.2019, seeking compensation on account of change in law events, and other consequential reliefs related to Bhuj-II Transmission Limited.

Petitioner : POWERGRID Bhuj Transmission Limited (PBTL)

Respondents : Netra Wind Private Limited and Ors.

Date of Hearing : **16.1.2025**

Coram : Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member

Parties Present : Ms. Poorva Saigal, Advocate, PBTL
Shri Shubham Arya, Advocate, PBTL
Ms. Pallavi Saigal, Advocate, PBTL
Shri Rishabh Saxena, Advocate, PBTL
Shri Harshvardhan Singh, Advocate, PBTL
Shri V C Sekhar, PBTL
Shri Prashant Kumar, PBTL
Ms. Priyadarshini Advocate, PFCCL
Shri Dharmender, PFCCL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition had been filed *inter alia* seeking compensation on account of Change in Law events and the other consequential reliefs. Learned counsel submitted that the notice may be issued to the Respondents.

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 just exceptions.
- (b) The Respondents to file their reply, if any, within five weeks with a copy to the Petitioner, who may file its rejoinder within four weeks.
- (c) The Petitioner to file the following details/information on an affidavit within four weeks.
 - (i) SLD of transmission scheme with upstream and downstream interconnecting transmission system, if any.

(ii) Status of upstream and downstream interconnecting transmission system

(iii) Details of the events attributable to Force Majeure and Change in Law with the respective original planned timeline as well as the actual implementation timeline.

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

(v) Clarify under which clause of the TSA and due to which Change in Law events the Petitioner is claiming IDC from SCOD to Project COD for Rs. 63.13 crores and IEDC for Rs. 19.05 crores. Provide the breakup of the claimed IDC and IEDC.

(vi) 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

(vii) Clarify the legal position with regard to the authority of the Sub-Divisional Magistrate/Deputy Collector to fix the compensation value of land for the payment of the RoW compensation under Section 16(1) of the Indian Telegraph Act, 1885, specifically in light of the Hon'ble Supreme Court judgment dated 14.12.2016 in Civil Appeal No. 10951 of 2016 (The Powergrid Corporation of India Limited v. Century Textiles and Industries Limited and others) and Hon'ble High Court of Gujarat judgment dated 15.2.2023 in Civil Application No. 25785 of 2022 (Torrent Power Limited v. Collector and District Magistrate, Patan).

3. The Petition will be listed for hearing on **24.4.2025**.

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