

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Review Petition No. 33/RP/2024

in

Petition No. 328/TT/2023

Coram:

Shri Jishnu Barua, Chairperson

Shri Ramesh Babu V., Member

Shri Harish Dudani, Member

Date of Order: 13th October, 2025

In the matter of:

Petition under section 94(1)(f) of the Electricity Act, 2003, read with Regulation 52 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 2023, seeking review of the Commission's order dated 23.9.2024 in Petition No. 328/TT/2023.

And

In the matter of:

Power Grid Corporation of India Limited,

"Saudamini", Plot No. 2,

Sector 29, Gurgaon-122001 (Haryana).

...Review Petitioner

Versus

1. **Ajmer Vidyut Vitran Nigam Limited,**
Corporate Office, Vidyut Bhawan,
Panchsheel Nagar, Makarwali Road,
Ajmer-305004.
2. **Jaipur Vidyut Vitran Nigam Limited,**
132 kV, GSS RVPNL Sub-station Building,
Caligiri Road, Malviya Nagar,
Jaipur-302017.
3. **Jodhpur Vidyut Vitran Nigam Limited,**
New Power House, Industrial Area,
Jodhpur-342003.
4. **Himachal Pradesh State Electricity Board Limited,**
Vidyut Bhawan, Kumar House Complex,
Building II, Shimla-171004.



5. **Punjab State Power Corporation Limited,**
The Mall, PSEB Head Office,
Patiala-147001.
6. **Haryana Power Purchase Centre,**
Shakti Bhawan, Sector-6,
Panchkula-134109.
7. **Jammu Kashmir Power Corporation Limited,**
220/66/33 kV Gladni Sub-station,
SLDC Building, Narwal, Jammu.
8. **Uttar Pradesh Power Corporation Limited,**
Shakti Bhawan, 14, Ashok Marg,
Lucknow-226001.
9. **BSES Yamuna Power Limited,**
B-Block, Shakti Kiran Building,
Karkadooma, 2nd Floor, New Delhi- 110092.
10. **BSES Rajdhani Power Limited,**
BSES Bhawan, Nehru Place,
New Delhi.
11. **Tata Power Delhi Distribution Limited,**
33 kV Sub-station, Building Hudson Lane,
Kingsway Camp, North Delhi-110009.
12. **Uttarakhand Power Corporation Limited,**
Urja Bhawan, Kanwali Road, Dehradun.
13. **North Central Railway,**
Allahabad, U.P.
14. **New Delhi Municipal Council,**
Palika Kendra, Sansad Marg,
New Delhi-110002.
15. **Chandigarh Electricity Department,**
UT-Chandigarh, Division-11,
Industrial Area Phase-I,
Chandigarh.

...Respondents

For Petitioner

:

Shri Utkarsh Singh, Advocate, PGCIL
Ms. Swapna Seshadri, Advocate, PGCIL
Ms. Sneha Singh, Advocate, PGCIL
Shri Vivek Kumar Singh, PGCIL
Shri Nitish Kumar, PGCIL.



For Respondents : None.

ORDER

The instant Review Petition has been filed by Power Grid Corporation of India Limited (PGCIL), the Review Petitioner, seeking a review of the order of the Commission dated 23.9.2024 in Petition No. 328/TT/2023 ('impugned order') whereby transmission tariff under the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019 (hereinafter referred to as "the 2019 Tariff Regulations") from the date of commercial operation (COD) to 31.3.2024 for the following assets was allowed under the project – "Establishment of 220/66 kV, 2x160 MVA GIS Sub-station at UT Chandigarh along with 220 kV D/C line from Chandigarh GIS to 400/220 kV Panchkula (PG) Sub-station" in the Northern Region:

Asset-1: 220/66 kV New GIS Sub-station at UT Chandigarh with 2x160 MVA ICTs along with associated bays and 220 kV Double Circuit ("D/C") Line from 220/66 kV Chandigarh Sub-station to 400/220 kV Panchkula (PG) Sub-station along with associated GIS bays at Chandigarh and AIS bays at Panchkula Sub-station, and

Asset-2: 8 Nos. 66 kV line bays at Chandigarh GIS Sub-station.

Assets 1 and 2 have jointly been called the "transmission assets" in this order.

2. The Commission, through the impugned order dated 23.9.2024, approved the COD of the transmission assets as 24.3.2023 and condoned the time overrun of 1214 days out of the total delay of 1504 days. However, the Commission did not consider condonation of delay for the period from 20.11.2021 to 16.12.2022, as there was no stay on the order dated 25.10.2021 in CWP Nos. 19391 of 2020 and 5181 of 2021 by the Hon'ble Punjab and Haryana High Court on the commissioning of the transmission lines by the Review Petitioner during that period. Furthermore, the delay from 26.5.2022 to 19.12.2022 was also not



condoned due to the absence of any proper justification or documentary evidence placed on record by the Review Petitioner.

3. Aggrieved by the impugned order dated 23.9.2024, the Review Petitioner has made the following prayers in this Review Petition:

- “(i) Admit the review petition;*
- (ii) Review Para 59 of the Order under Review dated 23.09.2024;*
- (iii) Condone the time over-run for the period from 16.05.2022 to 16.12.2022 / 19.12.2022;*
- (iv) Permit the capitalisation of disallowed IDC and IEDC for above period;*
- (v) Pass such further order(s) as has been fit and proper.”*

4. The Review Petitioner has made the following submissions:

- a) The delay in commissioning the transmission assets mainly stems from various factors such as Right of Way (RoW) issues, severe law and order problems during construction of the transmission lines, litigations, delays in approval from NHAI, the COVID pandemic, among others. The Review Petitioner was finally able to reduce the prolonged delay and commissioned the assets after managing the intense ROW problems, Court cases during the construction of the transmission line, and other construction challenges in the Northern Region (Union territory of Chandigarh).
- b) The 220/66 kV GIS Chandigarh Substation was ready in February 2019. Out of the 56 transmission towers planned for erection, only the installation of 5 towers was hindered by severe RoW issues, causing the project to stall. Four tower locations- 7/2, 7/1, 7/0, and 6A/1- could not proceed with construction due to persistent obstructions and resistance from Sh. Kewal Garg, the brick kiln owner. Despite ongoing persuasion efforts, along with the local administration and Magistrate, the Review Petitioner was unable to convince the brick kiln owner and landowners, who demanded that the transmission line be diverted away from their lands, which was neither legitimate nor acceptable. Continuous ROW issues and



stay orders issued by the Punjab Administration and the Hon'ble High Court of Punjab and Haryana from 22.11.2017 to 16.12.2022 contributed to delays. The total delay of 60 months and 09 days was reduced to 49 months and 09 days through improved planning and better execution by the Review Petitioner.

- c) By the impugned order dated 23.9.2024, the Commission approved the COD of the transmission assets as 24.3.2023 and condoned the delay of 1214 days out of 1504 days as claimed by the Review Petitioner. However, the Commission disallowed condonation of the delay from 20.11.2021 to 16.12.2022.
- d) The Commission erred in the impugned order by refusing condonation of delay. In paragraph 59 of the impugned order, the Commission noted that 'there was no stay on the order dated 25.10.2021 in CWP Nos. 19391 of 2020 and 5181 of 2021'. However, despite no explicit stay on the order dated 25.10.2021 in CWP Nos. 19391 of 2020 and 5181 of 2021, the Hon'ble High Court's judgment explicitly stated that transmission lines should not be laid before the relocation of the temporary huts of labourers/workers on the site, which is to be facilitated by the Review Petitioner in the same premises of the landowner. This effectively resulted in a stay, as the Review Petitioner could not proceed with the construction of the transmission towers until the temporary huts of labourers/workers were relocated. Consequently, it effectively imposed a stay on the commencement of tower construction activities, i.e., 16.12.2022, the date of final disposal of LPA Nos. 1115, 1116 and 1121 by the Hon'ble High Court of Punjab and Haryana. The Commission also recognised this in paragraph 53 of its order dated 23.09.2024. Despite recognising the same, the Commission did not consider condoning the delay from 20.11.2021 to 16.12.2022 in paragraph 59 of the impugned order, and the same constitutes an error apparent on the face of the record.



- e) There was, in fact, a conditional stay on the order dated 25.10.2021 in CWP Nos. 19391 of 2020 and 5181 of 2021, passed by the Hon'ble High Court of Punjab and Haryana, which continued until 16.12.2022, the date of final disposal of the LPA Nos. 1115, 1116, and 1121 of 2021 by the Hon'ble High Court of Punjab and Haryana.
- f) The Hon'ble High Court of Punjab and Haryana granted a stay on the order dated 25.10.2021 vide its interim order dated 1.6.2022 in CM-1005-LPA-2022 in LPA-1115-2021 and CM-1006-LPA-2022 in LPA-1116-2021, and non-consideration of the same in the impugned order is an error apparent on record.
- g) The Review Petitioner was unable to take any action due to the operation of the interim order dated 1.6.2022 until the disposal of LPA Nos. 1115, 1116, and 1121 of 2021 by the Hon'ble High Court of Punjab and Haryana on 16.12.2022. Immediately after the final order was passed on 16.12.2022, the Review Petitioner, vide letter dated 19.12.2022, informed the Deputy Commissioner of SAS Nagar, Mohali, that since the LPAs had been dismissed, the Review Petitioner was ready to complete the work within a week. The Review Petitioner had arranged all necessary manpower, materials, and tools. The Review Petitioner also requested appropriate protection to ensure that the work could be completed smoothly without any law and order issues. The letter dated 19.12.2022 clearly showed that the Review Petitioner was, in fact, prepared to complete its work within the time, but was prevented from doing so due to the interim order dated 1.6.2022 of the Hon'ble High Court of Punjab and Haryana in the aforementioned LPAs.
- h) The Review Petitioner sought assistance from the administration, and a Committee was formed for the identification of land for the relocation or shifting of



labour hutments. The relocation of the huts took a considerable amount of time after the Committee made its final decision.

5. The matter was admitted on 14.1.2025, and notice was issued to the Respondents. However, none of the Respondents has filed their reply in the matter. After hearing the Review Petitioner, the order in the matter was reserved on 20.3.2025.

Analysis and Decision:

6. The instant Review Petition has been filed under Section 94(1) of the Act read with Section 114 and Order 47 Rule 1 of the Civil Procedure Code, 1908 and Regulation 52 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 2023 (“CBR, 2023”) seeking review of the order dated 23.9.2024 passed by the Commission in Petition No. 328/TT/2023. Under Section 94(1)(f) of the Act, the Commission is vested with the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, in the matter of “reviewing its decision, directions and orders”. Regulation 52(2) of the CBR, 2023 provides the following grounds on which an aggrieved person can seek the review of a direction, decision or order of the Commission, which are akin to the grounds provided in Order 47 Rule 1 of CPC:

“52. Review of Orders, Decisions and Directions

(2) Any person aggrieved by a direction, decision, or order of the Commission, from which no appeal has been preferred, may file a review petition on the following grounds within forty days of the making of such decision, direction, or order:

(a) Upon the discovery of new and important matter or evidence that, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the direction, decision, or order was passed or;

b) On account of some mistake or error apparent from the face of the record, or;

(c) If there is any other sufficient reason to review the matter. ...”



7. In the present case, the Review Petitioner has sought the review of the impugned order on the grounds of error apparent on the face of the record and other sufficient reasons, which are dealt with in the subsequent paragraphs.

8. The Review Petitioner has contended that vide the impugned order dated 23.09.2024, the Commission approved the COD of the transmission assets as 24.3.2023 and condoned the delay of 1214 days out of 1504 days as claimed by it. It has mainly contended that in paragraph 59 of the impugned order dated 23.9.2024, the Commission observed that there was no stay on the order dated 25.10.2021 in CWP Nos. 29391 of 2020 and 5181 of 2021, though no such explicit stay was there in the order dated 25.10.2021, even then the observation of the Hon'ble High Court in the order dated 25.10.2021 that the transmission lines shall not be laid down before relocation of the temporary huts of the labourers/workers on the spot resulted in an effective stay on construction activities of the Review Petitioner. As such, the period of non-condonation of delay from 20.11.2021 to 16.12.2022 for the transmission assets, being an error apparent on record, is liable to be condoned. Besides this, it has been contended that in the LPA Nos. 1115, 1116 and 1121, which were filed by the landowners challenging the order dated 25.10.2021, an interim order passed on 1.6.2022. However, this was not considered by the Commission in the impugned order.

9. We have given our thoughtful consideration to the contentions of the Review Petitioner and have perused the record, including the impugned order.

10. The case of the Review Petitioner is that the impugned order, in particular, the observation of the Commission in paragraph 59 of the impugned order, is erroneous. Before we examine the contentions of the Review Petitioner, we think it appropriate to refer to the following relevant excerpts of the impugned order:



“Analysis and Decision

“

49. On perusal of the orders dated 22.10.2020 and 9.11.2020, it is revealed that District Magistrate, SAS Nagar, granted permission under Section 10 of the Indian Telegraph Act, 1885, for the construction of towers of 220 kV D/C Chandigarh-Panchkula Transmission Line at Location Nos. 61/1, 6A/1, 7/0, 7/1 and 7/2 in the concerned villages. The District Magistrate, SAS Nagar, in its said orders, further directed that temporary huts of the labourers in the brick kiln which were falling within the transmission line corridor be removed and shifted to any other place within/near the brick kiln premises and the costs of such removal and shifting would be borne by the Petitioner.

50. Against the aforesaid orders of the District Magistrate, the brick kiln owners filed CWP Nos. 19391 of 2020 and 5181 of 2021 before the Hon'ble High Court of Punjab and Haryana. Upon hearing the parties, the Court, vide its order dated 25.10.2021, upheld the orders of the District Magistrate.

51. The record shows that pursuant to the orders of the Hon'ble High Court dated 25.10.2021, ADC formed a Committee vide its letter dated 12.1.2022 to assess compensation and re-location of the temporary huts. The minutes of the meeting dated 29.4.2022 issued by the District Magistrate, SAS Nagar, show that instructions were issued to inspect the site and submit a feasibility report regarding the re-location of huts. Thereafter, on 19.12.2022, the Petitioner wrote a letter to the Deputy Commissioner, SAS Nagar, Mohali, regarding the erection and stringing of the remaining tower at location no. 6A/1 of 220 kV DC Panchluka-Chandigarh line.

52. In view of the above discussions and on perusal of the documents on record, we are of the view that the Petitioner earnestly took up the matter to resolve the severe RoW issues/ obstructions created by the brick kiln owner/ landowners of Mubarakpur with the District Administration through various correspondences/meetings. The Petitioner also requested for the appointment of a Duty Magistrate and adequate police protection to facilitate the completion of the remaining work on the transmission line peacefully and categorically expressed its inability to re-route the transmission line/underground cable at the disputed site and the same is apparent various letters from the letters dated 22.11.2017, 22.1.2018, 19.2.2018, 1.3.2018, 7.5.2018, 24.5.2018, 25.5.2018, 29.5.2018, 8.6.2018, 28.8.2018, 7.3.2019, 22.3.2019, 3.5.2019, 21.5.2019, 17.6.2019, 9.8.2019, 22.10.2019 and 6.10.2020. We further note the letter dated 1.8.2018 issued by ADM, SAS Nagar to Addl. Chief Secretary, Department of Power, Government of Punjab, stated the Petitioner had selected an inappropriate route and instructed him to withhold the work till resolution of the issue by the Punjab Government, and as such, the Petitioner could not proceed with the project work till 22.10.2020 and 9.11.2020, when the District Magistrate, SAS Nagar, granted permission to exercise the powers under Section 10 of the Telegraph Act, 1885 regarding the construction of towers for the 220 kV D/C Chandigarh-Panchkula Transmission Line at location Nos. 6/1, 6A/1, 7/0, 7/1, and 7/2 in the respective villages. In these circumstances, we are of the view that the delay that occurred from 10.10.2017 to 9.11.2020 was uncontrollable and beyond the Petitioner's control, and the same has been condoned.

53. The orders passed by the District Magistrate dated 22.10.2020 and



9.11.2020 were challenged by the brick kiln owner before the Hon'ble High Court of Punjab and Haryana in CWP No. 19391 of 2020 on 12.11.2020 and in CWP No. 5181 of 2021 on 4.3.2021. The aforesaid orders of the District Magistrate were affirmed by the Hon'ble Court vide its common judgment dated 25.10.2021 in CWP Nos. 19391 of 2020 and 5181 of 2021, with the observations that the transmission line shall not be laid before the re-location of the temporary huts of the labours. Accordingly, a Committee was constituted by the ADC, SAS Nagar, Mohali, to assess costs relating to the re-location of huts, which submitted its report to the District Administration vide letter dated 26.5.2022 in order that the re-location of huts may take place and commissioning of the balance work of the transmission line may be done. Thereafter, the Petitioner wrote a letter to DC Mohali to provide support in completing the work. Thus, the delay, in our opinion, subsequent to the orders of the District Magistrate dated 20.10.2020 and 9.11.2020, i.e., from 10.11.2020 to 24.10.2021, was uncontrollable due to the Court cases being pending before the Hon'ble High Court of Punjab and Haryana. The time period from the date of pronouncement of judgment in CWP Nos. 19391 of 2020 and 5181 of 2021, dated 25.10.2021 to 26.5.2022 i.e., owing to the re-location of huts, was uncontrollable and beyond the Petitioner's control. Accordingly, we condone the delay from 10.11.2020 to 26.5.2022. The Petitioner has not submitted any proper justification for the intervening period of 26.5.2022 to 19.12.2022 (i.e., 6 months and 23 days). In the absence of any documentary evidence, we do not find any reason to condone the delay that occurred between 26.5.2022 and 19.12.2022 (207 days) as uncontrollable, and the same has not been condoned.

54. As discussed above, the time period from 10.10.2017 to 9.11.2020 due to ROW problems is beyond the control of the Petitioner, and the same has been condoned. The time over run from 25.10.2021 to 26.5.2022, owing to the re-location of huts, was beyond the control of the Petitioner, and the same has been condoned. Therefore, the net impact on account of RoW issues in the commissioning of the transmission line from the SCOD of the transmission asset is from 09.2.2019 to 9.11.2020 (640 days) & from 25.10.2021 to 26.5.2022 (214 days), i.e., a total of 854 days is beyond the control of the Petitioner, and the same has been condoned. the

Condonation of Delay Due to filing of CWP No. 32701 of 2018

55. The Petitioner has prayed for condonation of a delay from 22.11.2018 to 16.9.2020, i.e., 664 days on account of filing CWP No. 32701 of 2018 before the Hon'ble High Court of Punjab and Haryana. We have considered the Petitioner's submissions on this count. The Petitioner, being aggrieved by the obstructions caused by the brick kiln owner, filed a CWP No. 32701 of 2018 before the Hon'ble High Court of Punjab and Haryana, which was later withdrawn by it on 16.9.2020. We refrain from making any observations with regard to the delay for this duration. However, the period of delay from 9.2.2019 to 16.9.2020 is subsumed in the delay that we have already condoned above in this order with reference to the observation on the condonation of delay for RoW issues. Accordingly, the time over-run on account of CWP No. 32701 of 2018 is subsumed in RoW problems faced by the Petitioner.

Condonation of Delay Due to the filing of CWP Nos. 19391 of 2020 and 5181 of 2021

56. The Petitioner has contended that two CWP Nos. 19391 of 2020 and 5181 of 2021 were filed before the Hon'ble High Court of Punjab and Haryana on 12.11.2020 and 4.3.2021 by the brick kiln owner and by brick kiln labourers respectively, against the orders passed by the District Magistrate on 22.10.2020



and 9.11.2020. The Hon'ble High Court, vide its order dated 16.11.2020, restrained the Petitioner from laying the transmission line, and the Hon'ble Court, vide its order dated 25.10.2021, eventually disposed of the said CWPs.

57. We have considered the contentions of the Petitioner and have perused the record. In our opinion, the petitioner was not able to continue the work at the site from 16.11.2020 to 24.10.2021 due to a restrain order passed by the Hon'ble High Court dated 16.11.2020. Therefore, the net impact on account of the restrain order passed by the Hon'ble High Court for the period from 16.11.2020 to 24.10.2021, i.e., 343 days in commissioning of the transmission line, is beyond the control of the Petitioner. Accordingly, the time over-run of 343 days on account of CWP No. 32701 of 2018 has been condoned.

Condonation of Delay Due to the filing of LPA Nos. 1115, 1116, and 1121 of 2021

58. The Petitioner has contended that landowners filed the LPA Nos. 1115, 1116, and 1121 of 2021 before the Hon'ble High Court of Punjab and Haryana on 20.11.2021 against the order dated 25.10.2021 in CWP No. 19391 of 2020 and 5181 of 2021 of the Hon'ble High Court. The Hon'ble High Court, vide its order dated 16.12.2022, dismissed the said LPAs and upheld the order dated 25.10.2021. Accordingly, the Petitioner has prayed for condonation of a delay from 20.11.2021 to 16.12.2022 (391 days).

59. We have considered the above contentions of the Petitioner and have perused the record. On perusal of the record, we note that the said LPAs were posted for hearing before the Hon'ble Court from 25.11.2021 to 28.7.2022, but no stay was there during this period on the commissioning of the transmission line by the Petitioner against the order dated 25.10.2021 in CWP Nos. 19391 of 2020 and 5181 of 2021. The said LPAs were dismissed by the Hon'ble Court on 16.12.2022. Thus, we are not inclined to consider the delay that occurred from 20.11.2021 to 16.12.2022, as there was no stay on the order dated 25.10.2021 in CWP Nos. 19391 of 2020 and 5181 of 2021."

11. Upon careful examination of the impugned order dated 23.9.2024, we find that in paragraph 49 it is recorded that orders dated 22.10.2020 and 9.11.2020 passed by the District Magistrate, SAS Nagar, Mohali, exercising power under Section 10(1) of the Indian Telegraph Act, 1885, permitted the Petitioner to construct towers of 220 kV D/C Chandigarh-Panchkula Transmission Line at location Nos. 61/1, 6A/1, 7/0, 7/1, and 7/2 in the concerned villages, with a direction that temporary huts of the labourers in the brick kiln, which were within the transmission line corridor, be removed and shifted to any other place within or near the brick kiln premises, and the costs of such removal and shifting would be borne by the Review Petitioner.



12. The impugned order dated 23.9.2024 also shows that brick kiln owners challenged the orders dated 22.10.2020 and 9.11.2020 of the District Magistrate, SAS Nagar, Mohali, in CWP Nos. 19391 of 2020 and 5181 of 2021 before the Hon'ble High Court of Punjab and Haryana, and the Hon'ble High Court, by its order dated 25.10.2021 in CWP Nos.19391 of 2020 and 5181 of 2021, upheld the orders dated 22.10.2020 and 9.11.2020 passed by the District Magistrate, SAS Nagar, Mohali. The said order of the Hon'ble High Court dated 25.10.2021 records that the transmission lines shall not be laid before the relocation of the temporary huts of the labourers or workers on the spot, a process for which is to be facilitated by the Petitioner.

13. From the above discussions, it is apparent that it was incumbent on the Review Petitioner not to lay the transmission lines before the relocation of the temporary huts of the labourers or workers on the spot.

14. Perusal of paragraphs 51 and 52 of the impugned order shows that, based on the documentary evidence submitted by the Petitioner, the Commission condoned the delay for the period from 10.10.2017 to 9.11.2020. Since there is no dispute for this period in the Review Petition, we refrain from commenting on it .

15. In paragraph 53 of the impugned order, the facts concerning the orders dated 22.10.2020 and 9.11.2020 of the District Magistrate being challenged before the Hon'ble High Court of Punjab and Haryana in CWP Nos.19391 of 2020 and 5181 of 2021 on 4.3.2021, are recorded. This paragraph also discusses the District Magistrate's said orders being affirmed by the Hon'ble High Court vide judgment dated 25.10.2021 in the said CWPs, with the observation that the Petitioner shall not lay the transmission line before the relocation of the temporary huts of the labourers. This paragraph further speaks about a Committee formed



by the ADC, SAS Nagar, Mohali, to assess the costs related to the relocation of huts, which submitted its report to the District Administration vide letter dated 26.5.2022. Based on documentary evidence, the Commission, in the impugned order under this paragraph, condoned the delay for the period from 10.11.2020 to 26.5.2022 (i.e., subsequent to the passing of the order by District Magistrate dated 9.11.2020 and the submission of the report by the ADC, SAS Nagar, Mohali, to the District Administration dated 26.5.2022).

16. Perusal of paragraph 53 of the impugned order clearly records a finding that no documentary evidence has been given for the delay that occurred between 26.5.2022 and 19.12.2022, and due to this reason, the delay was not condoned for this period. It is not the case of the Review Petitioner in the Review Petition that it had given any documentary evidence for the period between 26.5.2022 and 19.12.2022, which the Commission did not consider in the impugned order. The Review Petitioner has contended that the Commission in the impugned order has duly considered the order dated 25.10.2021 in CWP Nos. 19391 of 2020 and 5181 of 2021 to the effect that the transmission line may not be laid until the temporary huts of the labourers/workers on the site are relocated by the Petitioner, hampering its construction activities and operating as an effective stay. The Commission further considered the facts that a Committee was formed by the ADC, SAS Nagar, Mohali, to assess costs related to the relocation of huts, and its report was submitted to the District Administration vide letter dated 26.5.2022, which formed the basis for condoning the delay from 10.11.2020 to 26.5.2022.

17. Perusal of paragraph 56 in the impugned order shows that in CWP Nos. 19391 of 2020 and 5181 of 2021, on the basis of Hon'ble High Court's restrain order dated 16.11.2020, prevented the Petitioner from laying of the transmission line and, as such, the delay for the period from 16.11.2020 to 24.10.2021, i.e. 343 days, was condoned.



18. Furthermore, Paragraph 58 of the impugned order discusses the filing of LPA Nos. 1115, 1116, and 1121 of 2021 against the order dated 25.10.2021 in CWP Nos. 19391 of 2020 and 5181 of 2021 on 20.11.2021. These LPAs were dismissed by the Hon'ble High Court on 16.12.2022. Based on this, the Review Petitioner prayed for condonation of delay for the period from 20.11.2021 to 16.12.2022. In paragraph 59 of the impugned order, the Commission, after considering the fact that no stay was granted against the order dated 25.10.2021 in CWP Nos. 19391 of 2020 and 5181 of 2021, held that the delay period from 20.11.2021 to 16.12.2022 was not condoned.

19. The Review Petitioner has sought review of paragraph 59 of the impugned order, on the ground that the order dated 25.10.2021 in CWP Nos. 19391 of 2020 and 5181 of 2021, which states that no transmission line should be laid by the Review Petitioner until the temporary huts of labourers/workers are relocated, operates as an effective stay even from 20.11.2021 to 16.12.2022. Additionally, the Review Petitioner argues that during this period of delay, the Hon'ble High Court of Punjab and Haryana granted a stay on the order dated 25.10.2021 through its interim order dated 1.6.2022 in CM-1005-LPA-2022 in LPA-1115-2021 and CM-1006-LPA-2022 in LPA-1116-2021, and the failure to consider the same in the impugned order is an error apparent on record.

20. As regards the contention of the Review Petitioner that the order dated 25.10.2021 in CWP Nos. 19391 of 2020 and 5181 of 2021, insofar as, it states that the transmission lines should not be laid before the relocation of the temporary huts of the labourers/workers on the site is an effective stay as it hampered the construction activities of the Review Petitioner even for the period between 20.11.2021 to 16.12.2022, does not convince us for the simple reason that as discussed above in this order, particularly while discussing paragraph 53 of the impugned order, no documentary evidence was placed on record by the Review Petitioner



subsequent to 26.5.2022, on which date the Committee of ADC, SAS Nagar, Mohali, which was formed to assess costs regarding relocation of huts, submitted its report to the District Administration. The factum of effective stay, as has been claimed by the Review Petitioner in the order dated 25.10.2021, was duly considered by the Commission in the order impugned till 26.5.2022, based on which the Commission condoned the delay from 10.11.2020 to 26.5.2022. The Review Petitioner's contention of an effective stay of the order dated 25.10.2021 that the transmission line should not be laid till relocation of the temporary huts of the labourers/brick kiln, cannot be continued indefinitely in the absence of any documentary evidence.

21. As regards the contention of the Review Petitioner that in the LPA Nos. 1115, 1116 and 1121, which were filed by the landowners challenging the order dated 25.10.2021, an interim order was passed on 1.6.2022. The non-consideration of the same in the impugned order is an error apparent on record. To deal with this contention of the Review Petitioner, we think it necessary to reproduce the snapshot of the order dated 1.6.2022 in CM-1005-LPA-2022 in LPA-1115-2021 and CM-1006-LPA-2022 in LPA-1116-2021, which is as follows:



ANNEXURE - B

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**CM-1005-LPA-2022 in LPA-1115-2021 and
CM-1006-LPA-2022 in LPA-1116-2021**

**KEWAL GARG ALIAS KEWAL KRISHAN
VS
UNION OF INDIA AND OTHERS**

Present: Mr. Puneet Bali, Sr. Advocate with
Mr. Keshav Gupta, Advocate and
Mr. Vishavjeet Beniwal, Advocate
for the applicant-appellant(s).

Mr. Satya Pal Jain, Additional Solicitor General of India
with Ms. Neha Sharma, Standing Counsel, for UOI.

Mr. S.P.S. Tinna, Addl. A.G. Punjab.

Mr. Rajiv Atma Ram, Sr. Advocate with
Mr. G. S. Dihy, Advocate
for respondent No.4.

Learned Senior counsel for the respondent No.4 in pursuance to the reply, especially para 6 thereof states that the process of installation of one transmission tower which falls within the territory owned by the appellant is not being so constructed and the same would not also be processed till the next date of hearing as the labour has to be relocated from the place where the tower is to be installed by the respondent over which the transmission lines have to be laid down.

Adjourned to 20.07.2022.

A photocopy of this order be placed on the file of other connected case.

**(AUGUSTINE GEORGE MASIH)
JUDGE**

01.06.2022
poonam negi

**(SANDEEP MOUDGIL)
JUDGE**

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22. It is noticed that above order dated 1.6.2022 in CM-1005-LPA-2022 in LPA-1115-2021 and CM-1006-LPA-2022 in LPA-1116-2021, clearly recorded the submissions of the learned senior counsel for Respondent No.4 made during the course of the hearing before the Hon'ble High Court that the process of installation of one transmission tower falling within the territory owned by the appellant was not being so constructed and would also not be processed till the next date of hearing till relocation. Therefore, we are of the view that the said order of the Hon'ble High Court, in any way, cannot be said to be a direction, and these are mere submissions of the learned senior counsel for Respondent No. 4

23. For the reasons mentioned above in detail, we find no substance in the contentions of the Review Petitioner. Therefore, the Review Petitioner's contentions are rejected.

24. Accordingly, the Review Petition No. 33/RP/2024 is disposed of.

Sd/-
(Harish Dudani)
Member

sd/-
(Ramesh Babu V.)
Member

sd-
(Jishnu Barua)
Chairperson

