

**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 Transco Limited (JKTL)

Respondents : Powerica Limited and Ors.

Date of Hearing : **17.09.2026**

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 Sayan Ghosh, Advocate, JKTL
Shri Ankitesh Ojha, Advocate, JKTL
Shri Vardaan Mahajan, Advocate, JKTL
Shri Anand Ganesan, Advocate, GUVNL & DNH
Ms. Ritu Apurva, Advocate, DNH
Ms. Pragya Pushkar, Advocate, DNH
Shri K S. Badhrinathan, Advocate, DNH
Ms. Harsha Rao, Advocate, GUVNL
Shri Robin Singh, Advocate, GUVNL
Shri Ashutosh K Srivastava, Advocate, Powerica
Shri Nihal Bhardhwaj, Advocate, Powerica
Shri Venkatesh, Advocate, TPCL
Shri Siddharth Nigotia, Advocate, TPCL
Ms. Ananya Dutta, Advocate, TPCL
Shri Vyom Chaturvedi, Advocate, MSEDCL
Ms. Sneha Singh, Advocate, MSEDCL
Shri Abhishek Bansal, Advocate, RECPDCL
Shri Ravi Sharma, Advocate, CSPDCL
Ms. Ankita Kumari, Advocate, CSPDCL
Ms. Atulika Ghawana, Advocate, CSPDCL
Ms. Deepa Mishra, Advocate, CSPDCL
Shri Saurabh Mishra, Advocate, MPPMCL

Record of Proceedings

During the hearing, the learned counsel for Respondent No. 1/Powerica made detailed oral submissions and concluded his arguments. The learned counsel opposed the various claims made by the Petitioner primarily on the grounds that (i) Article 11.5 of the TSA requires the affected party to give notice of any event of Force Majeure as soon as reasonably practicable, but not later than seven (7) days on which such party knew or should reasonably have known of the commencement of the Force Majeure event, and the proviso thereto further stipulates that such notice shall be a pre-condition to the affected party's entitlement to claim the reliefs, (ii) the Petitioner failed to comply with the mandatory requirement of the said article as various Force Majeure notices were issued belatedly, (iii) provisions of the TSA, including Article 11.7, do not entitle the licensee to claim any financial reliefs, including IDC and IEDC, due to Force Majeure events as sought by the Petitioner, (iv) the reliance was placed on the APTEL's judgment dated 8.9.2026 in Appeal No. 447 of 2022, while adding that the said issue has now been referred to the full Bench of the APTEL, (v) in its Force Majeure Notices, the Petitioner itself sought only an extension of the SCOD and did not claim any financial relief, which clearly demonstrate that such claims are an afterthought, etc.

2. However, due to a paucity of time, the submissions of other Respondents could not commence, and the matter was adjourned.

3. The matter remained part-heard and will be listed for hearing on **22.10.2026 at 2.30 P.M.**

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