

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 971/MP/2025

Subject : Petition under Sections 61, 63 and 79 of the Electricity Act, 2003 read with statutory framework and Articles 11 and 12 of the Transmission Service Agreement dated 06.07.2021 executed between Nangalbibra-Bongaigaon Transmission Limited and its Long-Term Transmission Customers, inter alia, seeking approval/declaration recognizing Force Majeure Events that impacted the implementation of the Project and the Petitioner's right to consequential relief.

Petitioner : Nangalbibra-Bongaigaon Transmission Limited (NBTL)

Respondents : Assam Power Distribution Company Limited and Ors.

Date of Hearing : **17.4.2026**

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

Parties Present : Shri Deep Rao, Advocate NBTL
Ms. Shikha Sood, Advocate NBTL
Shri Iqra Khan, Advocate NBTL

Record of Proceedings

The learned counsel for the Petitioner submitted that the present Petition has been filed *inter alia* seeking (i) declaration and extension of time for Force Majeure events, and (ii) declaration and consequential reliefs, as well as approval of the incremental costs, due to Change in Law events that have impacted the Project. The learned counsel submitted that none of the Respondents have filed any reply despite the notice. The learned counsel further circulated his note of arguments and submitted that the commissioning of the Project was achieved on 26.11.2024, i.e., after the delay of 347 days and this delay was attributed to the Force Majeure events viz. (i) delay in grant of transmission licence, (ii) delay due to heavy rainfall and floods in the States of Assam and Meghalaya (May-October 2022 and from June-August 2024), (iii) delay in acquisition of land for establishment of Nangalbibra S/s, (iv) delay in obtaining forest clearance from the State of Assam and tree-felling permission, (v) delay in obtaining forest clearance from the State of Meghalaya, (vi) delay in securing RoW, (vii) delay due to stoppage of construction in Urpada Beel and the adjacent Panchratna Reserved Forest. The learned counsel further made elaborate submissions on the aforesaid Force Majeure events. However, due to a paucity of time, submissions of learned counsel could not be completed, and the matter was adjourned.



2. None was present on behalf of the Respondents despite notice.
3. After hearing the learned counsel for the Petitioner and keeping in view that none of the Respondents, particularly LTTCs/NER beneficiaries, have filed a reply, the Commission deemed it appropriate to permit another opportunity to the Respondents to file their replies, if any, within two weeks with a copy to the Petitioner, who may also file its rejoinder(s), if any, within two weeks thereafter.
4. The Petitioner was also directed to file the following information/ clarification, on an affidavit, within three weeks:
 - (a) Copies of the Force Majeure cessation notices in terms of Article 11.5.2 of the TSA, if any.
 - (b) Supporting documents/ justification regarding the Petitioner's claim that the effects of unprecedented rains in May – June 2022 in the State of Assam subsisted till the end of October, 2025.
 - (c) The details of whether any Essential Details Sought (EDS) queries were raised by the concerned Nodal Officers in respect of the Petitioner's proposals (Part I Form A) for diversion of Forest in the States of Assam and Meghalaya, and the time taken by the Petitioner in compliance thereof. Also, the relevant provisions of the concerned Rules/ Guidelines, regarding the inclusion/exclusion of such period in computing the timelines specified in the Forest (Conservation) Rules, 2003.
 - (d) Basis/ break-up of the CA costs payable as per the Assam Forest Department's Circular dated 21.7.2020, as indicated by the Petitioner at paragraphs 221 and 227 of the Petition.
 - (e) Basis/ break-up of the CA costs payable as per the Govt. of Meghalaya's Circular dated 6.6.2019, as indicated by the Petitioner at paragraphs 234 and 236 of the Petition.
 - (f) Basis/ break-up of the baseline costs indicated for the dwarf plantations based on the Govt. of Assam's circular dated 21.7.2020 (paragraph 243) and the Govt. of Meghalaya's circular dated 6.6.2019 (paragraph 252).
 - (g) Whether the concerned District Authorities of North and East Garo Hills Districts had issued any notification on the rates of land, trees, fruit-bearing trees, bamboo and other crops under the RFCTLARR Act, 2013, before the Cut-off Date.
 - (h) Complete copy of the order/letter fixing the zonal valuation of land for Boitamari & Dangtal Revenue Circle (2017-18), and Kokrajhar. Was the fixation of the zonal valuation of land by the concerned district authorities a recurring exercise undertaken every year? If not, any order/notification of the concerned authority indicating that the zonal valuation fixed for Dhubri in 2013-14 and for Goalpara and Bongaigaon fixed in 2017-18, continued/ extended till the revision in 2022-23. Complete copies of the statements placed on record at Annexure P-100.
 - (i) A detailed calculation of the additional expenditure incurred due to revision in land compensation rates for securing RoW in the State of Assam, as indicated in Paragraph 315.



(j) It appears that in the State of Meghalaya, the Petitioner has been required to undertake the scheme of compensatory afforestation (scheme of CA) only for 31.588 (~32 Ha.) of the non-forest area as was acquired. Did this result in savings in the cost of the scheme of CA for 32 Ha., as it would otherwise have been required to carry out the scheme of CA for twice the area (on degraded forest land) proposed to be diverted? If so, whether such savings have been factored into its claim of Rs. 3.12 crore for the purchase of non-forest land.

5. The matter remained part-heard and shall be listed for hearing on **16.6.2026**.

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

