

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition (Diary) No. 510/2026 along with IA (Diary) No. 532/2026

Subject : Petition under Section 79 (1) (c) and (f) of the Electricity Act, 2003 and Regulation 65 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 2023 read with Article 4, 11, 12 and 16 of the Transmission Service Agreement (“TSA”) dated 13.01.2016 seeking extension of the Scheduled Commercial Operation Date (“SCOD”) and appropriate relief for cost escalation on account of occurrences of Force Majeure Events and Change in Law events which were beyond the control of the Petitioner.

Petitioners : NRSS XXXVI Transmission Limited (NTL)

Respondents : U.P. Power Corporation Limited (UPPCL) and Ors.

Date of Hearing : **20.7.2026**

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

Parties Present : Shri Venkatesh, Advocate, NTL
Shri Abhishek Kumar, Advocate, UPPCL
Shri Nived Veerapaneni, Advocate, UPPCL
Shri Shubham Mudgil, Advocate, UPPCL

Record of Proceedings

Learned counsel for the Petitioner, NTL, submitted that the present Petition has been filed *inter alia* seeking extension of the Scheduled Commercial Operation Date (SCOD) and appropriate relief for cost escalation on account of occurrences of Force Majeure and Change in Law events. He further submitted that the Commission, vide order dated 14.11.2022 in Petition No. 266/MP/2022, had granted the Petitioner liberty to approach the Commission for the extension of SCOD and other Change in Law claims pursuant to the completion of all the three transmission elements of the Petitioner's Project. Further, the Commission also granted interim protection stating that no precipitative actions be taken against the Petitioner as the subsistence of the TSA in the interregnum is vital to the completion/ implementation of the Project. He added that Elements 1, 2 and 3 were commissioned in February 2018, November 2023, and December 2025, respectively. Pursuant thereto, the Petitioner has filed the present Petition on 7.7.2026. He further highlighted that on the same day, i.e. 7.7.2026, the

Respondent UPPCL, *vide* its letter, has raised a demand of Rs. 8.33 crore towards liquidated damages and threatened to enforce its recovery by invoking its Performance Bank Guarantee and appropriating the non-escalable transmission charges payable to the Petitioner. Accordingly, the learned counsel pressed for interim directions as prayed in the IA.

2. Learned counsel for the Respondent, UPPCL, submitted that the interim protection was granted to the Petitioner by the Commission in its order dated 14.11.2022 till the completion of the Project. The learned counsel further submitted that the Petitioner has belatedly approached the Commission in July 2026, while Element 3, i.e. the last element, was commissioned in December 2025. Therefore, the interim protection ought not to be continued in the matter. The learned counsel added that if the interim reliefs as prayed for by the Petitioner are allowed, it will lead to a situation wherein no LTTC will ever be in a position to recover the Liquidated Damages from the transmission licensee pending the licensee's Petition seeking reliefs for Force Majeure.

3. In response, learned counsel for the Petitioner submitted that although Element No. 3 was commissioned in December 2025, there was a genuine delay in approaching the Commission owing to a considerable time taken by the Petitioner in collating voluminous records on the basis of which the Petitioner is claiming Force Majeure and Change in Law reliefs.

4. After hearing the learned counsels for the Petitioner and the Respondent, UPPCL, the Commission directed as under:

- (a) Admit and issue notice to the Respondents on both the IA and the Petition.
- (b) The Respondents to file their respective replies to the IA and the Petition, if any, within six weeks with a copy to the Petitioner, who may file its rejoinders, if any, within four weeks thereafter.
- (c) In the interregnum, the interim protection granted to the Petitioner in Para 15 of the order dated 14.11.2022 in Petition No. 266/MP/2022 will continue till the next date of hearing in the matter.

5. The Petition, along with IA, will be listed for the hearing on **15.10.2026**.

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