

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No. 81/MP/2019
Alongwith IA No.28/2019**

Subject : Petition under Section 79 (1) (c) and (f) and other applicable provisions of the Electricity Act, 2003 *inter-alia* seeking a declaration that the factor/event, namely, direction of Power Grid Corporation Limited to reroute the LILO of One Circuit of 765kV D/C Aurangabad-Padghe Transmission Line at Shikarpur GIS, is a Force Majeure event under the TSA dated 24.6.2015 and further seeking extension of time period for achieving the SCoD of the Project under Article 4.4.2 of the TSA and other consequential reliefs.

Petitioner : Chhattisgarh- WR Transmission Limited (C(WR)TCL)

Respondents : Maharashtra State Electricity Distribution Co. Ltd. and Others

Date of Hearing : 20.3.2019

Coram : Shri P.K. Pujari, Chairperson
Dr. M.K. Iyer, Member
Shri I.S. Jha, Member

Parties present : Shri Buddy A. Ranganadhan, Advocate, C(WR)TCL
Shri Raunak Jain, Advocate, C(WR)TCL
Shri Vishvendra Tomar, Advocate, C(WR)TCL
Shri Rohan Ahlawat, Advocate, C(WR)TCL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed *inter-alia* for seeking a declaration that the direction of Power Grid Corporation Limited (PGCIL) to re-route the LILO of One Circuit of 765 kV D/C Aurangabad-Padghe Transmission Line (AP Line) at Shikarpur GIS, is a Force Majeure event under the TSA dated 24.6.2015 and seeking extension of time for achieving the SCoD of the Project under Article 4.4.2 of the TSA and other consequential reliefs. Learned counsel further submitted as under:

(a) On 24.6.2015, TSA was executed between the Petitioner and the Respondents for implementation of the transmission system for “Additional System Strengthening for IPPs in Chhattisgarh and other Generation Projects in Western Region” on BOOM basis. The SCoD of the project is 23.3.2019.

(b) The Petitioner has successfully achieved CoD of all the elements prior to the SCoD except one element, namely, LILO of one circuit of AP Line. However, the CoD of above AP line is delayed due to the PGCIL’s direction dated 1.3.2019 regarding re-route the line passing over its residential colony and to re-submit the line route alignment for consideration.

(c) Since, the Petitioner is constrained to divert its line at fag-end of the project execution due to the PGCIL’s direction to re-route the line, SCoD of the project is likely to be shifted by 3 months.

(d) The Petitioner has filed an Interlocutory Application No. 28/2019 for seeking direction to Respondents not to take any coercive steps under the TSA dated 24.6.2015 and to restrain the Respondents and LTTCs from encashment of BGs.

2. After hearing the learned counsel for the Petitioner, the Commission admitted the Petition and directed to issue notice to the Respondents.

3. The Commission directed the Petitioner to serve copy of the Petition on the Respondents immediately. The Respondents were directed to file their replies by 16.4.2019 with an advance copy to the Petitioner who may file its rejoinder, if any, by 7.5.2019. The Commission directed that due date of filing the replies and rejoinder should be strictly complied with. No extension shall be granted on that account.

4. The Commission directed the Respondents and LTTCs not to take any coercive measure against the Petitioner till the next date of hearing. Accordingly, the Commission disposed of the IA No.28/2019.

5. The Petition shall be listed for hearing in due course for which separate notice will be issued.

By order of the Commission

**Sd/-
(T. Rout)
Chief (Law)**