

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**I.A. No.51/2019
in
Petition No. 81/MP/2019**

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

Date of Order: 24th of June, 2019

In the matter of

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 re-route the LILO of One Circuit of 765 kV 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.

**And
In the matter of**

Chhattisgarh-WR Transmission Limited
Adani House, Nr. Mithakhali Six Roads,
Navrangpura, Ahmedabad –380015.

....Petitioner

Vs.

Maharashtra State Electricity Distribution Company Limited
Parkashgad, 5th Floor, Station Road,
Bandra (E), Mumbai - 400 051 and others

....Respondents

**And
In the matter of**

Interlocutory Application for seeking impleadment of Power Grid Corporation of India Limited as Respondent.

**And
In the matter of**

Power Grid Corporation of India Limited (PGCIL)
“SAUDAMINI”, Plot No-2,



Parties Present:

For Applicant : Shri Mridul Chakravarty, Advocate, PGCIL
Shri Pallav Mongia, Advocate, PGCIL
Shri Abhinav Goyal, Advocate, PGCIL
Shri V.C. Shekhar, PGCIL
Ms. Pratibha Raje Parmar, PGCIL

For Petitioner : Shri Vishvendra Tomar, Advocate, (C(WR)TL)
Shri Roank Jain, Advocate, (C(WR)TL)

ORDER

The Petitioner, Chhattisgarh-WR Transmission Limited has filed the present Petition seeking, inter-alia, declaration that the event(s), namely, direction of Power Grid Corporation Limited to re-route the LILO of One Circuit of 765 kV D/C Aurangabad-Padghe Transmission Line at Shikarpur GIS and re-submit the proposal for consideration, is a *Force Majeure* event under the TSA dated 24.6.2015.

2. Power Grid Corporation of India Limited (hereinafter referred to as “Applicant”) has filed the present Interlocutory Application (I.A.) for seeking impleadment of Power Grid Corporation of India Ltd. (PGCIL) as party to the present Petition and to allow PGCIL to file reply to the Petition.

3. The Applicant mainly has submitted as under:

(a) PGCIL came to know about the Petition on perusal of RoP dated 20.3.2019 and interaction with site personnel regarding Commercial Operation Date (CoD) of Applicant’s bays at Pune Sub-station for inter-connection of Aurangabad-Padghe Transmission Line of the Petitioner. It has been mentioned in the said RoP that during the course of the hearing, the Petitioner contented that it has successfully



achieved CoD of all the elements prior to the SCoD except one element, namely, LILO of one Circuit of 765 kV D/C Aurangabad-Padghe Transmission Line and the said line has been delayed due to PGCIL's direction dated 1.3.2019 regarding re-routing of the line passing over its residential colony and to re-submit the line route alignment for consideration. It was also stated by the Petitioner that it was constrained to divert its line at fag-end of the project execution due to PGCIL's direction leading to postponing of Scheduled CoD likely by 3 months.

(b) Since, PGCIL has also filed Petition for approval of CoD of bays, implemented by it at Pune Sub-Station for termination of LILO of one Circuit of Aurangabad-Padghe Transmission Line under implementation by the Petitioner, the impleadment of PGCIL is necessary in the present Petition.

(c) If PGCIL is not allowed to join the present proceedings and file its objection, it would have serious implications on the outcome of the present Petition which has a direct bearing on the Respondents and would cause grave injury to their interests.

4. During the hearing on 18.6.2019, learned counsel for the Applicant reiterated the submissions made in the I.A. and submitted that the Applicant be impleaded as party to the Petition as there are certain allegation insinuated against the Applicant. However, learned proxy counsel for the Petitioner sought for an adjournment due to non-availability of arguing counsel in the matter.

5. We have considered the submissions of parties. It is observed that Respondent No.1, Maharashtra State Electricity Distribution Company Limited (MSEDCL), vide its reply dated 17.5.2019 to the Petition, has also requested to implead PGCIL as a Respondent to



the Petition. In response, the Petitioner vide its rejoinder dated 15.6.2019 has stated that there is no controversy as far as PGCIL's stand is concerned and the request of MSEDCL to implead PGCIL as a Respondent is liable to be rejected.

6. The Petitioner in the present Petition is seeking extension in the scheduled commercial operation on the ground that the direction of PGCIL to re-route the LILO of one Circuit of 765 kV D/C Aurangabad-Padghe Transmission Line at Shikarpur GIS and to re-submit the proposal for consideration is a *Force Majeure* event. According to the Petitioner, it has been affected to the direction of PGCIL to re-route the line and to complete the balance work at Pune end-termination. Considering the submissions of the Applicant, the Petitioner and the Respondent No. 1, MSEDCL, we are of the view that the Applicant is a proper and necessary party to the present Petition to adjudicate the issues involved in the present Petition.

7. Accordingly, we allow the IA and PGCIL shall be arrayed as a Respondent to the Petition. The Petitioner is directed to serve copy of the Petition on PGCIL, if not already served, by 26.6.2019 who shall file the reply, by 15.7.2019 and the Petitioner to file rejoinder, by 29.7.2019.

8. Final hearing of the Petition will be notified in due course.

9. The I.A. No. 51/IA/2019 in Petition No. 81/MP/2019 is disposed of in terms of the above.

Sd/-
(I.S. Jha)
Member

sd/-
(Dr. M. K. Iyer)
Member

sd/-
(P. K. Pujari)
Chairperson

