

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.377/MP/2022**

- Subject : Petition under Sections 79 of the Electricity Act, 2003, read with Articles 11, 12 and 16 of the Transmission Services Agreement dated 23.04.2019, seeking extension of time period for achieving CoD of the Project and compensation on account of occurrence of force majeure and change in law events, and other consequential reliefs, and for seeking recovery transmission tariff/ charges from the Respondent No. 1, on bilateral basis, from 04.09.2021 till 03.10.2021, in terms of Regulation 13(12) of the Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2020.
- Date of Hearing : **10.10.2023**
- Coram : Shri Jishnu Barua, Chairperson  
Shri I. S. Jha, Member  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member
- Petitioner : Bikaner Khetri Transmission Limited (BKTL)
- Respondents : Powergrid Khetri Transmission System Limited (PKTSL) and 9 Ors.
- Parties Present : Shri Sanjay Sen, Sr. Advocate, BKTL  
Shri Hemant Singh, Advocate, BKTL  
Shri Lakshyajit Singh, Advocate, BKTL  
Shri Harshit Singh, Advocate, BKTL  
Ms. Lavanya Panwar, Advocate, BKTL  
Shri Robert Elwin, Advocate, BKTL  
Shri Ayush Raj, Advocate, BKTL  
Shri Shaurya Kumar, Advocate, BKTL  
Ms. Neha Dabral, Advocate, BKTL  
Shri Ukarsh Singh, Advocate, PKTSL  
Ms. Sneha, Advocate, PKTSL  
Ms. Ashabari, Advocate, PKTSL  
Ms. Kritika Khanna, Advocate, PKTSL  
Shri Swapnil Verma, CTUIL  
Ms. Muskan Agarwal, CTUIL  
Shri Siddharth Sharma, CTUIL  
Shri V. C. Sekhar, PGCIL  
Shri Prashant Kumar, PGCIL

**Record of Proceedings**

During the course of the hearing, learned senior counsel for the Petitioner made detailed submissions in the matter. Learned senior counsel submitted that, as per the Transmission Service Agreement, the Scheduled Commercial Operation

Date (SCOD) of the Petitioner's Project was 31.12.2020 and the deemed SCOD of the Project, as per Article 6.2.1 of TSA, was declared w.e.f 4.9.2021 i.e. with a delay of 247 days. Learned senior counsel also pointed out that actual power flow commenced only w.e.f 4.10.2021 i.e. after the readiness of the inter-connected facilities of Respondent No.1 and accordingly, the Petitioner is seeking the recovery of tariffs for the period from 4.9.2021 to 3.10.2021 on bilateral basis from Respondent No.1 as per the provisions of the Sharing Regulations, 2020. Learned senior counsel further referred to the Petition in detail and pointed out that the delay in achieving the commercial operation of the Project had been due to various force majeure events, viz. (i) delay in issuance of Lol and acquisition of SPV, (ii) change in location of Khetri S/s inside forest area by Respondent No.1, (iii) delay in bay allocation by Respondent No.1 in terms of Schedule 3 of the TSA, (iv) delay due to Covid-19 pandemic, and (v) delay in providing the interconnection points by Respondent No.1. Learned senior counsel referred to compensatory claims made by the Petitioner under Change in Law, Change in Scope of Works, IDC & IEDC, Commodity Price Variation, and carrying costs. Learned senior counsel pointed out that the Petitioner has also prayed for compensation on account of a loss of tariff due to delay in achieving the Commercial Operation Date of the Project on account of force majeure and associated Change in Law events or in the alternative, extension of the terms of the TSA, which is a period of 247 days being the period of the contract lost on account of force majeure and associated Change in Law events, thereby treating the actual COD as the start date of the first contract year.

2. Due to a paucity of time, the submissions of the Respondents could not commence, and the matter was accordingly adjourned.

3. The Commission directed the Petitioner to clarify on an affidavit within two weeks how it has declared the deemed COD of its transmission system, before the readiness of the Khetri-Jatikara 765kV D/c line, the Khetri-Sikar (PG) 400kV D/c line, and the 765/400kV Khetri sub-station, which were pre-required for the declaration of the COD of the transmission elements of the Petitioner.

4. The Commission directed Respondent No. 1 to submit the following details on an affidavit within two weeks:

(a) Legible copy of the SLD of the Khetri S/s indicating the BKTL and PKTSL bays;

(b) SCOD of Khetri– Jatikara 765kV D/c line, Khetri– Sikar (PG) 400kV D/c line, and Khetri sub-station; and

(c) The copy of letters declaring the COD of Khetri– Jatikara 765kV D/c line, Khetri– Sikar (PG) 400kV D/c line, and 765/400kV Khetri S/s.

5. The matter remained part-heard and will be listed for hearing on **8.12.2023**

**By order of the Commission**

**Sd/-  
(T.D. Pant)  
Joint Chief (Law)**