

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 90/MP/2020

Subject : Petition under Sections 63 and 79 (1)(f) of the Electricity Act, 2003 read with statutory framework and Article 11 and Article 12 of the Transmission Service Agreement dated 4.3.2016 executed between Gurgaon Palwal Transmission Limited and its Long-Term Transmission Customers for compensation due to Change in Law and seeking extension to the Scheduled Commissioning Date of the relevant elements of the Project on account of Force Majeure events.

Date of Hearing : 11.4.2023

Coram : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member

Petitioner : Gurgaon Palwal Transmission Limited (GPTL)

Respondents : UTC, Chandigarh and 13 Ors.

Parties Present : Shri Syed Jafar Alam, Advocate, GPTL
Ms. Harneet Kaur, Advocate, GPTL
Shri Deep Rao, Advocate, GPTL
Ms. Anisha Chopra, GPTL
Shri G. Sai Kumar, Advocate, HVPNL
Shri Raheel Kohli, Advocate, HVPNL
Shri Akshat Jain, Advocate, UPPCL
Shri Avdesh Mandloi, Advocate, UPPCL
Shri Amal Nair, Advocate, PSPCL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed, *inter-alia*, seeking (i) extension in the Scheduled Commercial Operation Date of certain elements due to occurrence of Force Majeure events, and (ii) compensation for additional expenditure incurred by the Petitioner on account of Change in Law events. Learned counsel further submitted as under:

(a) Pleadings have already been completed and the matter was argued at length by both sides following which it was reserved for order on 15.2.2022. On the request of the Petitioner, the matter was again taken-up for permitting the Petitioner to file an additional affidavit to place on record certain subsequent developments. The Petitioner has already filed its additional affidavit on 8.12.2022 in terms of the liberty granted by the Commission. However, none of the Respondents have filed their response thereon.

(b) The Petitioner has filed various details called for vide Record of Proceedings for the hearing dated 19.1.2023.

(c) As per the Transmission Service Agreement, the LTTCs are required to release the Contract Performance Guarantee (CPG) furnished by the Petitioner within three months from the COD of the Project. However, LTTCs are yet to release the CPG despite the Project of the Petitioner having achieved the COD way back on 13.4.2020.

2. In response the specific observation of the Commission regarding recovering of tariff in respect of 400 kV D/C Aligarh-Prithala Line and 400/220 kV Prithala GIS Sub-station from the POC Pool w.e.f. 1.11.2019 and 3.11.2019 despite these elements having been charged on load only on 20.3.2020 & 21.4.2020 respectively, the learned counsel for the Petitioner sought liberty to file its response thereon. The Commission also deemed it appropriate to seek the comments of CTUIL and NLDC on the above aspect.

3. Accordingly, the Commission ordered as under:

(a) The Petitioner to implead CTUIL and NLDC as party to the Petition and file a revised memo of parties within a week. The Petitioner to also serve copy of the entire Petition along with copy this Record of Proceedings on them;

(b) CTUIL and NLDC to file their reply within two weeks with copy to the Petitioner who may file its rejoinder within two weeks thereafter;

(c) As per the submissions of the Petitioner, the date of charging on load and the date of recovery of transmission charges in respect of the different elements of the project from the POC pool is as below:

Element	Date of charging on Load	Date of recovery from the POC Pool
A-P Line	20.03.2020	01.11.2019
Prithla GIS S/s	21.04.2020	03.11.2019
P-K Line	20.03.2020	07.12.2019
Kadarpur S/s	Not yet charged on load	11.12.2019
Sohna Road S/s	30.07.2020	13.04.2020

Accordingly, the Petitioner, NLDC and CTUIL to submit/ clarify, how the transmission charges of above-mentioned elements have been included in the POC Pool, before the charging of the elements on load, on affidavit, within two weeks

(d) HVPNL to submit the current status of 220 kV downstream system for evacuating power from Kadarpur sub-station, on affidavit, within two weeks.

(e) The Respondents/LTTCs to submit the status of Contract Performance Guarantee (CPG) submitted by the Petitioner, on affidavit, within two weeks.

4. The Petition shall be listed for hearing on 22.6.2023.

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