

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.265/MP/2021

- Subject : Petition invoking Section 79(1)(c) and (f) of the Electricity Act, 2003 read with Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 seeking compensation/ relief for additional expenditure incurred by the Petitioner during the construction of the Project due to certain Change in Law and Force Majeure events, as per the applicable provisions of the Transmission Service Agreement dated 22.9.2015.
- Date of Hearing : **21.2.2024**
- Coram : Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Alipurduar Transmission Limited (ATL)
- Respondents : South Bihar Power Distribution Company Limited and 10 Ors.
- Parties Present : Ms. Poonam Verma, Advocate, ATL
Ms. Gayatri Aryan, Advocate, ATL
Shri Rajesh Jha, Advocate, ATL
Shri Vishrov Mukherjee, Advocate, WBSEDCL
Shri Sankalp, Advocate, BSPHCL

Record of Proceedings

At the outset, the learned counsel for Respondent No. 2, West Bengal State Electricity Distribution Company Limited (WBSEDCL) prayed for an adjournment on the ground of non-availability of the arguing counsel in the matter.

2. Learned counsel for the Petitioner, ATL, however, pointed out that the matter has already been argued at length by both sides. Even after the Petitioner having furnished additional details/information, including the details relating to its compensation claims towards Right of Way as per the direction of the Commission vide Record of Proceedings for the hearing dated 12.7.2023 by way of an additional affidavit dated 7.8.2023, number of opportunities of oral hearing have been given to the parties. Learned counsel accordingly requested that the matter may not be listed for any further oral hearing and that the parties be permitted to file their respective submissions, if any, by way of written submissions.

3. Learned counsel for Respondent No. 2, WBSEDCL, as such, did not oppose the submissions of the learned counsel for the Petitioner to dispense with the need of further oral hearing and requested that, in such event, Respondent No.2 may be permitted to file its written submissions in the matter.

4. At the end of the Board, the learned counsel for the Bihar Discoms prayed for an adjournment on the ground of non-availability of the arguing counsel in the matter. However, the Commission did not accept the request of the learned counsel for the Bihar Discoms and observed that the matter is pending from the year 2021 and the parties have already granted an opportunity to file their respective submissions.

5. Considering the submissions made by the learned counsels for the Petitioner and Respondent No.2, the Commission directed the parties to file their respective written submissions, if any, within two weeks with a copy to the other side.

6. Subject to the above, the Commission reserved the matter for order.

By order of the Commission

Sd/-

(T.D. Pant)

Joint Chief (Law)