

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 322/TL/2024

Subject : Application under Sections 14, 15 and 79(1)(e) of the Electricity Act, 2003 read with Central Electricity Regulatory Commission (Procedure, Terms and Conditions for Grant of Transmission License and other related matters) Regulations, 2024 seeking grant of Transmission License to NERGS-I Power Transmission Limited.

Petitioner : NERGS-I Power Transmission Limited

Respondents : Central Transmission Utility of India Limited and Ors.

Date of Hearing : **13.3.2025**

Coram : Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member
Shri Ravinder Singh Dhillon, Member

Parties Present : Ms. Poonam Verma Sengupta, Advocate, NREGSPTL
Shri Saunak Rajguru, Advocate, NREGSPTL
Shri Pradyumn Amit Sharma, Advocate, NREGSPTL
Shri Piyush Sachdev, Advocate, APDCL
Shri Swapnil Verma, CTUIL
Shri Ranjeet S Rajput, CTUIL

Record of Proceedings

At the outset, the learned counsel for the Petitioner made the following submissions:

- (i) In compliance with the direction of the Commission *vide* Record of Proceedings dated 16.1.2025, a joint meeting dated 28.1.2025 was conducted by Respondent CTUIL between the Petitioner and the Respondents CTUIL and APDCL to address the mismatch issue.
- (ii) On 19.2.2025, the Commission granted time to Respondent APDCL to deliberate and decide regarding either of the three options as decided in the Minutes of Meeting (MoM) dated 28.1.2025.

(iii) Respondent APDCL, vide its affidavit dated 5.3.2025, has now opted for *“Option 3, i.e., APDCL shall be liable for bilateral bills raised by CTUIL as per the applicable extant CERC Regulations”*.

(iv) Force Majeure claims as raised by APDCL lack merit, and the present Petition is not an appropriate proceeding for APDCL to raise issues of alleged Force Majeure.

(v) Further, since Respondent APDCL is not privy to the TSA signed between the Petitioner and Respondent CTUIL, it is not open for Respondent APDCL to invoke Article 11 of the TSA to claim Force Majeure relief.

2. Learned counsel for Respondent APDCL confirmed that APDCL had filed an affidavit dated 5.3.2025 and has chosen Option 3, i.e., ‘APDCL shall be liable for bilateral bills raised by CTUIL as per the applicable extant CERC Regulations.’ Learned counsel mainly submitted as under:

(i) Owing to the ongoing protests in the State, around 23 villages are affected at large, and the scheduled commissioning date of the Project will experience further delay and deferment from the current COD, i.e., 31.12.2026. Such factors are beyond the control of APDCL, and the same constitutes a Force Majeure situation.

(ii) In fact, due to such a law and order situation, it is also unlikely that the Petitioner also would be able to conclude its construction projects in time.

(iii) The TSA between the Petitioner and CTUIL provides for Force Majeure clause 11.7(c), which states that for extension of scheduled COD for a period up to 180 days due to force majeure events, no compensation on the grounds such as interest cost, incident expenditure, and opportunity cost will be made to the Petitioner. Thus, Respondent CTUIL is at full liberty to invoke the present clause, thereby allowing at least 6 months’ time for Respondent APDCL to bring its Project on track without incurring additional costs.

3. The representative of CTUIL submitted that in compliance with the direction of the Commission, CTUIL had conducted a joint meeting between the parties and further placed on record the MoM dated 28.1.2025. whereby APDCL has chosen for Option 3. With respect to the Force Majeure relief, the representative of CTUIL reiterated the stance taken by the Petitioner that APDCL is not privy to the TSA signed between the Petitioner and Respondent, CTUIL and, as such, APDCL cannot invoke Article 11 of the TSA.

4. Considering the submissions of the parties, the Commission directed the Petitioner and Respondent APDCL to submit on an affidavit within a week the present status of their respective Projects.

5. Subject to the above, the matter was reserved for order.

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