

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.262/MP/2024

Subject : Petition under Sections 63 and 79 of the Electricity Act, 2003 for relief under Force Majeure (Article 11) and Change in Law (Article 12) of Transmission Service Agreement dated 27.4.2017 related to NEW WR-NR 765 kV Inter-Regional Corridor.

Petitioner : POWERGRID Varanasi Transmission System Limited (PVTSL)

Respondents : Uttar Pradesh Power Corporation Limited and Ors.

Date of Hearing : **26.11.2024**

Coram : Shri Jishnu Barua, Chairperson
Shri Harish Dudani, Member

Parties Present : Shri Shubham Aryan, Advocate, PVTSL
Ms. Shirin Gupta, Advocate, PVTSL
Shri V. C Sekhar, PVTSL
Shri Prashant Kumar, PVTSL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition had been filed *inter alia* for claiming the reliefs in respect of Force Majeure and Change in Law events that had occurred during the construction/implementation of the Transmission Project under the Transmission Service Agreement dated 27.4.2017. Learned counsel also pointed out that in the present case, there is a delay of 5 days in achieving the Commercial Operation Date of the Project, and such delay is squarely covered by the extension granted by the Ministry of Power, Govt. of India vide its Circular dated 27.7.2020 due to the outbreak of Covid-19 pandemic.

2. Considering the submissions made by the learned counsel for the Petitioner, the Commission directed as under:

- (a) Admit and issue notice to the Respondents, subject to the just exceptions;
- (b) The Respondents to file its reply within five weeks with a copy to the Petitioner, who may file its rejoinder, if any, within three weeks thereafter.
- (c) The Petitioner to submit the following information on an affidavit within four weeks with a copy to the Respondents:
 - (i) A copy of letter No. Powergrid/NR-3/PESA/17684 dated 20.6.2019, mentioned in the Government of U.P. letter dated 19.11.2019 with regard to land compensation.
 - (ii) The detailed calculation of the land compensation (Rs. 5.97 crores), which has been claimed as a Change in Law in the following format:



Sl. No.	Name of Village/ Area	Area of land (sq. mtr)	Circle rate of the land (in Rs./ Sq. mtr)	Value of the land (in Rs.)	Land compensation for Tower base (in Rs.)	Land compensation for corridor (in Rs.)	Total compensation amount (in Rs.)

(iii) The detailed calculation of the land compensation (Rs. 5.97 crores) with discrete rates for the period prior to the issuance of the notifications claimed as Change in Law in the present Petition as well as after the issuance of said notifications versus the estimated compensation considered while bidding, along with all supporting documents such as copy of the guidelines for payment of land compensation issued by the Ministry of Power, Government of India, copy of circle rate notified by the concerned district magistrate, documents in support of the actual payment made to the landowners.

(iv) Summary of force majeure and Change in Law events as under:

Summary of Force Majeure events

S. No	Particulars of the Activity/ Force Majeure event	Original timeline as per the plan of licensee for the activity		Actual Timeline for the activity		Effective delay (excluding the time period planned to execute the event) due to FM event	Date of occurrence of the force majeure event	Date by which notice was required to be served to LTTCs as per the TSA	Date of serving the notice to the LTTCs
		From	To	From	To				

Summary of Change in Law events

S. No	Particulars of the Change in Law event	Date of occurrence of Change in Law event	Date by which notice was required to be served to LTTCs as per the TSA	Date of serving the notice to the LTTCs

(v) Amount of IDC and IEDC (provide separate numbers) factored in by the Petitioner while quoting the bid along with the supporting documents.

(vi) Amount of IDC and IEDC actually incurred up to the SCOD and from the SCOD to actual COD on each of the elements of the project along with supporting document.

(vii) Details of the loan infusion dates, amount infused, and rate of interest thereof.

3. The Petition will be listed for hearing on **20.2.2025**.

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