

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 173/MP/2023

Subject : Petition under Section 79 of the Electricity Act, 2003 read with Article 11 and 12 of the Transmission Service Agreement dated 23.04.2019 executed between WRSS XXI (A) Transco Limited and the LTTCs - Adani Green Energy (MP) Limited, Adani Green Energy Limited and Netra Wind Pvt. Limited seeking extension of SCOD due to various events of Force Majeure & Change in Law and compensation/ appropriate relief to offset the adverse effect of the Force Majeure and Change in Law events.

Petitioner : WRSS XXI(A) Transco Limited (WRSS TL).

Respondents : Adani Green Energy (MP) Limited and Ors.

Date of Hearing : **27.2.2025**

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

Parties Present : Shri Amit Kapur, Advocate, WRSS TL
Shri Sayan Ghosh, Advocate, WRSS TL
Shri Akshat Jain, Advocate, WRSS TL
Shri Prashant Kumar, WRSS TL
Shri Ravi Sharma, Advocate, CSPDCL
Shri Aryan Chanda, Advocate, CSPDCL
Shri Vyom Chaturvedi, Advocate, MSEDCL
Ms. Swapna Seshadri, Advocate, GUVNL
Shri Parth Bhalla, Advocate, GUVNL
Shri Deepak Khurana, Advocate, REC TPCL
Ms. Nishtha Wadhwa, Advocate, REC TPCL
Shri Anand Srivastava, Advocate, Adani Green
Shri Ravi Nair, Advocate, Adani Green
Shri Swapnil Verma, CTUIL
Ms. Kavya Bhardwaj, CTUIL
Shri Lashit Sharma, CTUIL

Record of Proceedings

During the course of the hearing, the learned counsel for the Petitioner and the learned counsel for the Respondent, GUVNL, made detailed submissions and concluded their respective arguments, primarily covering the claims of [a] Force Majeure events, namely, (i) delay in issuance of Lol and SPV acquisition, (ii) Delay due to MAHA Cyclone, (iii) Delay due to strike by the Revenue Department, (iv) delay in land acquisition for substation land, (v) outbreak of COVID-19 (1st, 2nd and 3rd wave),



(vi) Right of Way ('RoW') issues resistance and demand by landowners of excessively high compensation beyond reasonably expected quantum at the time of bidding', & (vii) delay in delivery and price variation of commodity due to COVID-19 and Russia-Ukraine War, and [b] Change in Law events, namely, (i) outbreak of COVID-19 & Nationwide Lockdown Measures, (ii) increase in compensation payable due to revision in value of land under transmission tower and RoW Corridor in terms of DC/SDM Orders, (iii) increase in RoW Corridor compensation due to revision in % of land value from 7.5% to 15%, and (iv) increase in crop compensation, and [c] the entitlement to consequent compensation, if any, in respect of such Force Majeure and Change in Law claims.

2. Learned counsel for the Respondent, MSEDCL adopted the submissions made by the learned counsel for GUVNL. Whereas, learned counsel for Respondent No.1, AWEKOL, submitted that the Respondent has already filed a reply in the matter and the claims of Petitioner may be considered by the Commission as may be deemed fit subject to necessary prudence check.

3. In response to the specific query of the Commission regarding the supporting documents in respect of the claims towards an increase in the price of commodities due to Covid-19, Russia Ukraine War, and other Force Majeure events, learned counsel fairly submitted that the Petitioner will place on record additional details in this regard.

4. Learned counsel for Respondent No. 7, CSPDCL, sought liberty to respond to the various claims made by the Petitioner after the Petitioner files the additional details /information as may be called for by the Commission, particularly in respect of its claims towards an increase in prices of commodities due to various Force Majeure events. Learned counsel sought liberty to seek the necessary instruction regarding raising of the counter-claim in the instant case, if required. Whereas learned counsel for the Respondent, RECPDCL also sought liberty to advance the Respondent's limited submissions in the matter during the course of the next hearing.

5. After hearing the learned counsel for the parties, the Commission permitted the Respondents to file their comments on the information/details to be furnished by the Petitioner as above, if any, within four weeks thereafter. The Petitioner may file its rejoinder, if any, within three weeks thereafter.

6. The Commission directed the Petitioner to file the following information on an affidavit within two weeks:

(a) How much escalation and contingencies were considered as part of cost estimates at the time of quoting the bid and as on the date what is the actual escalation and contingencies?

(b) Detailed break-up and calculation of the Petitioner's compensation claim towards delay in delivery and price variation of commodities due to Covid-19 and Russia – Ukraine War along with copies of relevant Contracts and Purchase Orders supporting the above claim.

(c) Rates of relevant commodities as prevalent on the Cut-Off date and the escalation thereof as factored into by the Petitioner until the SCOD of the Project? Also, the actual escalation in the rates of such commodities.

(d) Auditor certificate certifying the incremental expenditure incurred by the Petitioner due to (i) delay in delivery, and (ii) price variation of commodities due to Covid-19 and Russia Ukraine War.

7. The matter remained part-heard and will be listed for hearing on **29.4.2025**.

By order of the Commission

Sd/-

(T.D. Pant)

Joint Chief (Law)