

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Diary (Petition) No.453/2023**

- Subject : Petition under Section 79(1)(c) and (f) of the Electricity Act, 2003 read with Articles 4, 11, 12 and 16 of the Transmission Service Agreement dated 06.01.2016
- Date of Hearing : **11.10.2023**
- Coram : Shri Jishnu Barua, Chairperson  
Shri I. S. Jha, Member  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member
- Petitioner : Warora Kurnool Transmission Limited (WKTL)
- Respondents : Tamil Nadu Generation and Distribution Corporation Limited & Ors.
- Parties Present : Shri Amit Kapoor, Advocate, WKTL  
Ms. Sakshi Kapoor, Advocate, WKTL  
Shri Rajesh Jha, Advocate, WKTL  
Shri Afak Pothiwala, WKTL

**Record of Proceedings**

The matter was mentioned by the learned counsel for the Petitioner during the course of the hearing. Learned counsel submitted that the present Petition has been filed seeking an extension of the Scheduled Commercial Operation (SCOD) of the Petitioner Transmission Project on account of the various force majeure events and compensation for the additional expenditure incurred by the Petitioner on account of the various force majeure and Change in Law events. Learned counsel submitted that earlier the Petitioner had approached the Commission through Petition No. 334/MP/2020, wherein the Petitioner had prayed for an extension of SCOD on account of prevailing force majeure events and protection from any financial liability/coercive action until such force majeure claims are adjudicated by the Commission. The Commission, however, by order dated 7.2.2021 disposed of the said Petition and noted that since the Transmission Project was still under implementation with uncertainty about its likely COD, it would not be appropriate to take a view on the claimed force majeure issue and extension of the SCOD at that stage. Consequently, the Petitioner was granted the liberty to approach the Commission to seek the appropriate relief on account of the various force majeure events after the completion of the Transmission Project. Moreover, by the said order, Respondents were also directed not to take any precipitative actions against the Petitioner, as the subsistence of the TSA in the interregnum was vital to the completion/implementation of the Transmission Project. Learned counsel submitted that the Petitioner's Transmission Project has now been completed/ commissioned and the Petitioner has reasonable apprehension that due to the delay in achieving SCOD, the LTTCs will take coercive action against the Petitioner. Learned counsel pointed out that despite the Commission's order dated 7.2.2021, TANGEDCO has

issued notice to the Petitioner, *inter alia*, raising the demand of Liquidated Damages under the TSA. Accordingly, the Petitioner has moved IA in the matter seeking interim reliefs/directions and both the main matter and IA, shall be taken up for an early hearing, and till such time the Respondents be restrained from taking any coercive steps against the Petitioner.

2. Considering the submissions of the learned counsel for the Petitioner, the Commission directed the Petition be listed along with IA, after completion of their registration, for the hearing on **17.1.2024**. The Commission also clarified that interim directions issued under Para 37 of the order dated 7.2.2021 in Petition No.334/MP/2020 shall be continued.

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