



THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION
LUCKNOW

Petition No. 2129 of 2024

QUORUM

Hon'ble Shri Arvind Kumar, Chairman

Hon'ble Shri Sanjay Kumar Singh, Member

IN THE MATTER OF

Petition under Sections 63 and 86 of the Electricity Act, 2003 for relief under Force Majeure (Article 11) and Change in Law (Article 12) of Transmission Service Agreement dated 07.08.2019, related to construction of 765/400/220 kV GIS Substation Rampur and 400/220/132 kV GIS Substation Sambhal alongwith associated Transmission Lines by POWERGRID Rampur Sambhal Transmission Limited.

AND

IN THE MATTER OF

POWERGRID Rampur Sambhal Transmission Limited

(Formerly known as Rampur Sambhal Transco Limited)

B-9, Qutab Institutional Area, Katwaria Sarai, New Delhi – 110016

Address for correspondence:

C/o ED (TBCB), Power Grid Corporation of India Limited

Saudamini, Plot No. 2, Sector -29, Gurugram 122001

..... Petitioner

VERSUS

1. **Paschimanchal Vidyut Vitran Nigam Limited**

Through its Chief Engineer, Hydrel Colony, Victoria Park, Meerut – 250001.

2. **Madhyanchal Vidyut Vitran Nigam Limited**

Through its Chief Engineer, 4-A Gokhale Marg, Lucknow – 226001.

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3. **Purvanchal Vidyut Vitran Nigam Limited,**

Through its Executive Engineer, Bhikharipur, P.O DLW, Varanasi – 221010.

4. **Dakshinanchal Vidyut Vitran Nigam Limited,**

Through its Superintendent Engineer, Urja Bhawan, NH-2, 9 (Agra Delhi bypass road), Sikandara, Agra – 282002

5. **Kanpur Electricity Supply Company Limited,**

Through its Director, 14/71 Civil lines, Kanpur – 208001.

6. **Uttar Pradesh Power Transmission Corporation Limited,**

Through its Chief Engineer, Shakti Bhawan, 14 Ashok Marg, Lucknow – 226001.

7. **Uttar Pradesh Power Corporation Limited,**

Through its Managing Director, Shakti Bhawan, 14 Ashok Marg, Lucknow - 226001.

8. **REC Power Development and Consultancy Limited,**

Through its Chief Executive Officer (Bid Process Coordinator)

(Formerly REC Power Distribution Company Limited)

REC Corporate Head Quarters, D Block, Plot No. I – 4, Sector – 29, Gurugram – 122001

..... Respondents

THE FOLLOWING WERE PRESENT

1. Ms. Pallavi Saigal, Advocate, Petitioner
2. Sh. Prashant Kumar, Chief Manager, Petitioner
3. Mohd. Faisal, DGM, Petitioner
4. Sh. Pankaj Sharma, Project in-charge, Petitioner
5. Sh. Rajiv Singh, EE, UPPCL

ORDER

(DATE OF HEARING: 12.11.2024)

1. Ms. Pallavi Saigal, Counsel, appearing on behalf of Petitioner submitted that the instant Petition has been filed under Sections 63 and 86 of the Electricity Act, 2003 read with Article 11 and 12 of Transmission Service Agreement dated 07.08.2019



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seeking compensation on account of force majeure and change in law events and other consequential relief. She further submitted that the Project's actual commissioning date was postponed beyond the scheduled commissioning date due to the occurrence of several force majeure events. Consequently, UPPCL has unilaterally deducted Rs. 66.15 Crores as liquidated damages, attributable to events constituting a change in law. The brief details of the Project are as below:

Sl. No	Project Elements	Scheduled COD	Actual COD	Delay in number of days
1.	Element-1: 2X1500+2X500 MVA, 765/400/220 GIS S/s Rampur	31.08.2021	31.03.2023	575 days
2	Element-2: Rampur (765kV) – Sambhal 400kV D/c line (Twin Moose)	31.08.2021	31.03.2023	575 days
3	Element-3: 2X500 + 2X160 MVA, 400/220/132 kV GIS S/s Sambhal	31.05.2021	19.06.2022	382 days

2. Sh. Rajiv Singh, Executive Engineer on behalf of UPPCL submitted that he has not received the copy of the Petition. In response, Ms. Pallavi Saigal asserted that she had duly served the petition copy upon UPPCL on the 6th day of November, 2024.
3. Sh. Rajiv Singh requested the Commission to give 4 weeks to file his reply and the Petitioner sought 6 weeks thereafter for the rejoinder.
4. The Commission directed the Petitioner to ensure that Petition is served to all Respondents. Further, Respondents shall file its reply within 4 weeks and thereafter, the Petitioner to file its rejoinder, if any, within 6 weeks.
5. The matter is listed for next hearing, on 06th February 2025.


(Sanjay Kumar Singh)
Member


(Arvind Kumar)
Chairman

Place: Lucknow

Dated: 21.11.2024

