



THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

LUCKNOW

Petition No. 2134 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 09.07.2021, related to "construction of 400/220/132 kV GIS substation, Mohanlalganj (Lucknow) with associated 400 kV lines, and other 765 kV & 400 kV LILO lines at 765 kV GIS Substation Rampur and 400 kV LILO (Quad moose on Monopole) at 400 kV GIS Substation Sector 123 Noida" implemented by POWERGRID Gomati Yamuna Transmission Limited.

AND

IN THE MATTER OF

POWERGRID Gomati Yamuna Transmission Limited
(Formerly known as Mohanlalganj Transmission 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

Gurgaon 122001

..... Petitioner

VERSUS

1. **Paschimanchal Vidyut Vitran Nigam Limited,**

Through its Chief Engineer,

Hydel Colony, Victoria Park - Meerut - 250001.

by





2. **Madhyanchal Vidyut Vitran Nigam Limited,**
Through its Chief Engineer,
4-A Gokhale Marg, Lucknow – 226001.
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.
Ph: 9415005911
7. **Uttar Pradesh Power Corporation Limited,**
Through its Managing Director,
Shakti Bhawan, 14, Ashok Marg, Lucknow - 226001.
8. **M/s PFC Consulting Limited**
(Bid Process Coordinator)
Through its Chief Executive Officer
9th Floor, A-wing, Statesman House,
Connaught Place, New Delhi – 110001.

..... Respondents



by

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THE FOLLOWING WAS PRESENT

1. Ms. Pallavi Saigal, Advocate, Petitioner
2. Ms. Tanya Singh, Advocate, Petitioner
3. Sh. Nived Veerapaneni, Advocate, UPPCL & Discom's
4. Sh. Prashant Kumar, Chief Manager, PGYTL
5. Sh. S. K. Gupta, Senior GM, PGYTL
6. Mohammad Faisal, DGM, PGYTL
7. Sh. Deepak Raizada, CE-PPA, UPPCL
8. Sh. Rajiv Singh, EE, UPPCL

ORDER

(DATE OF HEARING: 24.12.2024)

1. Ms. Pallavi Saigal, Counsel, appearing on behalf of the Petitioner submitted that POWERGRID Gomati Yamuna Transmission Limited has filed an instant 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 09.07.2021, related to "construction of 400/220/132 kV GIS substation, Mohanlalganj (Lucknow) with associated 400 kV lines, and other 765 kV & 400 kV LILO lines at 765 kV GIS Substation Rampur and 400 kV LILO (Quad moose on Monopole) at 400 kV GIS Substation Sector 123 Noida". The prayers of the Petition are as follows:
 - (a) Admit and entertain the present petition under Section 63 read with Section 86 of the Electricity Act, 2003 for claim of the Project being affected by Force Majeure events and Change in Law events and for providing relief under Article 11 and Article 12 respectively of Transmission Service Agreement dated 09.07.2021 as set out hereinabove.
 - (b) Hold that PGYTL is entitled for time extension of 213 days on account of Force Majeure conditions and SCOD of the project would be extended to 29.09.2023;
 - (c) Grant consequential relief of reimbursement of the Liquidated Damages levied by LTTCs;


by



by



- (d) Hold and declare that PGYTL be entitled to receive the quoted tariff for 35 years commencing from the revised SCOD of 24.03.2024 for (Element No. 1, 2 & 3), 19.12.2023 (Element No. 4), 04.03.2023 (Element No. 5) and 29.09.2023 (Element No. 6);
- (e) Hold that the PGYTL shall be entitled to get the increase in cost of Project amounting to Rs.16.58 Crs. during execution and completion of the transmission project;
- (f) Hold that PGYTL shall be entitled to an increase in adopted annual non-escalable charges by 1.70% on account of increase in aforementioned cost of project due to Change in Law;
- (g) Hold that PGYTL shall be entitled to carrying cost from COD till the date of order to be issued by this Hon'ble Commission;
- (h) Allow recovery of filing fees and legal expenses in regard to the present Petition; and
- (i) Pass such further order or orders as this Hon'ble Commission may deem just and proper in the circumstances of the case.
2. Sh. Nived Veerapaneni, Counsel, appearing on behalf of Respondents No.1 to 5 and the Uttar Pradesh Power Corporation Limited (UPPCL), requested to grant six weeks to submit its response. Ms Pallavi Saigal requested to grant 3 weeks to file rejoinder thereafter.
3. The Commission directed Respondents to file their reply within six weeks and thereafter Petitioner may file its rejoinder, if any, within three weeks.
4. The matter is listed for the next hearing on 27.02.2025.


(Sanjay Kumar Singh)
Member




(Arvind Kumar)
Chairman

Place: Lucknow
Dated: 16.01.2025