

Advisory to TSPs

Instructions for Handling Force Majeure (FM) and Change in Law (CIL) Events

1. Objective

This advisory provides procedural guidance for handling Force Majeure (FM) and Change in Law (CIL) events.

2. Intimation of FM/CIL Events

- a) As per the provisions of the TSA, the Transmission Service Provider (TSP) shall intimate CTUIL regarding the occurrence of any FM or CIL event.
- b) Such intimation shall be submitted, along with all relevant documents, within the timelines prescribed under the TSA and shall clearly specify the relevant clause and sub-clause of the TSA pursuant to which the FM/CIL claim is being submitted.
- c) All the communication related to FM/CIL matters shall be sent on designated email of CTUIL (fm-cil-ctu@ctuil.in).

3. Intimation of Cessation of Event

Upon cessation of the FM event, the TSP shall promptly inform CTUIL in accordance with the applicable provisions of the TSA.

4. Processing of FM/CIL cases

During the course of execution of the project, various Force Majeure events may occur in accordance with the TSA provisions. Some of such Force Majeure events may be concurrent in nature. Accordingly, after completion of the project, the TSP shall submit consolidated details of all FM events along with the concurrent part thereof and the net delay proposed to be condoned.

Similarly, the TSP is also required to submit all the CIL events with auditor's certificate, stating the expenditures incurred by the TSP on account of the CIL events. Such CIL cases shall be dealt on case to case basis.

Further, all the FM /CIL claims are to be substantiated with the relevant clauses & sub-clauses of TSA.

5. Examination by FM-CIL Committee

FM/CIL events shall be deliberate based on the submission by the TSPs, by a committee comprising of the following members:

- Member from CTUIL
- Member from CEA
- Member from respective RPC(s)
- Member from two DISCOMs, as nominated by respective RPC(s)

Respective TSP shall be asked to present its case before the aforementioned designated committee.

The above committee will make recommendations on Force Majeure and CIL claims.