

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.244/MP/2016

Subject :Petition under Section 79 of the Electricity Act, 2003 read with Regulations 111 and 115 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 for removal of difficulties and for consequential orders on the measurement of GCV of Coal from the samples taken from the Railway Wagon Top.

Date of hearing : **21.11.2017**

Coram : Shri Gireesh B. Pradhan, Chairperson
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member

Petitioner : NTPC Limited

Respondents : GRIDCO & Others

Parties present : Shri M.G. Ramachandran, Advocate, NTPC
Ms. Anushree Bardhan, Advocate, NTPC
Ms. Poorva Saigal, Advocate, NTPC
Shri Sanjay Sen, Senior Advocate, TPDDL
Shri Buddy A. Ranganathan, Advocate, BRPL & BYPL
Shri Anupam Varma, Advocate, BRPL & BYPL
Shri Rahul Kinra, Advocate, BRPL, BYPL & TPDDL
Shri Ashutosh K. Srivastava, Advocate, BRPL, BYPL & TPDDL
Ms. Swapna Seshadri, Advocate, GUVNL & PSPCL
Shri S. Vallinayagam, Advocate, TANGEDCO
Shri Raj Kumar Mehta, Advocate, GRIDCO
Ms. Himanshi Andley, Advocate, GRIDCO
Shri Amit Kapur, Advocate, WBSEDCL
Shri Janmali Manikala, Advocate, WBSEDCL
Shri Tabrez Malawat, Advocate, WBSEDCL
Shri Venkatesh, Advocate, MPL
Shri Pratyush Singh, Advocate, MPL
Shri Vikas Maini, Advocate, MPL
Shri T. Vinod Kumar, NTPC
Shri Uday Shankar, NTPC
Shri Vikram P. Singh, NTPC
Shri Ajay Dua, NTPC
Shri Nishant Gupta, NTPC
Shri Umesh Ambati, NTPC
Shri Pramod Kumar, NTPC
Shri Shyam Kumar, NTPC
Shri Manish Garg, UPPCL
Shri Ravin Dubey, MPPMCL

Shri Gagan Swain, BYPL
Shri Sameer Singh, BYPL
Shri Sunil Kakkar, BYPL
Shri Haridas Maity, BYPL
Shri Abhishek Srivastava, BYPL
Shri Kanishk, BRPL
Shri Sanjay Srivastava, BRPL
Shri Uttam Kumar, TPDDL
Shri Ashis Kumar Dutta, TPDDL
Shri Vishal Vij, TPDDL
Shri Pratyush Pandey, TPDDL
Shri S.K. Nair, GUVNL
Shri C.K. Das, GRIDCO
Shri A.K. Samantaray, GRIDCO

Record of Proceedings

During the hearing the learned counsel for the respondent, BRPL, BYPL & TPDDL prayed for grant of eight weeks' time to file response to CEA report on the ground that the same was received on 16.11.2017. He further submitted that in light of the CEA report and the orders passed by the Commission, the present petition is not maintainable.

2. The learned counsel for the respondent, GRIDCO raised issue on the 'maintainability' of the petition and submitted that the Petitioner in garb of 'removal of difficulty' has sought a second review of the Commission's orders dated 25.1.2016 and 30.6.2016. He further submitted that the respondent has preferred an appeal against the order dated 25.1.2016 before the Tribunal and since the same is pending, this petition may not be heard.

3. The learned counsel for the respondent, WBSEDCL submitted that the documents referred in the report of CEA namely, (a) letter of the Commission in response to CAG report, (b) the views of State Regulators, CIMFR and CPRI may be made available to the respondents in order to file response in the matter. He further submitted that the petition is not maintainable since an appeal is pending before the Tribunal against order dated 25.1.2016. However, the learned counsel prayed for grant of four weeks' time to file its response to the report of the CEA.

4. The learned counsel for the respondent, MPL submitted that the prayer of the respondents may not be granted as they had enough time to file their response to the report of the CEA. He further submitted that CEA being the technical advisor, the said report may be considered by the Commission.

5. The learned counsel for the petitioner submitted that the petition has been filed in terms of the observations made by Hon'ble High Court in its order dated 10.11.2016 in W.P.(C) 1641/2014. He also stated that the report of CEA is technical in nature and the same can be considered by the Commission, since CEA is the technical advisor of the Commission. He further submitted that the parties may be directed to file their written submissions on the said report and the matter may be decided accordingly.

6. After hearing the learned counsels for the parties, the Commission directed the parties to file their response on the report filed by CEA, on affidavit, on or before 4.12.2017 with advance copy to the other.

7. The petition shall be listed for hearing on **7.12.2017**.

By order of the Commission

**-Sd/-
(B. Sreekumar)
Deputy Chief (Law)**