

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 236/MP/2017

Subject : Petition against the decision of MPPMCL for Unilateral surrender of 100 MW from DSTPS in violation of provision of PPA between DVC & MPPMCL

Date of Hearing : 21.8.2018

Coram : Shri P.K. Pujari, Chairperson
Shri A.K. Singhal, Member
Dr. M.K. Iyer, Member

Petitioner : Damodar Valley Corporation (DVC)

Respondents : Madhya Pradesh Power Management Company Limited (MPPMCL)

Parties present : Shri M.G. Ramachandran, Advocate, DVC
Ms. Ranjitha Ramachandran, Advocate, DVC
Shri Shubham Arya, Advocate, DVC
Shri Ashish Anand Bernard, Advocate, MPPMCL
Shri Paramhans, Advocate, MPPMCL
Shri Prakash, MPPMCL

Record of Proceedings

During the hearing, the learned counsel for the Respondent, MPPMCL submitted that reply has been filed in the matter. He also submitted that the reliance made by the Petitioner on judgment of Hon'ble Supreme court in GUVNL case [GUVNL vs Essar Power, (2008) 4 SCC 755] may not be applicable in the present case since the same was rendered prior to the amendment of Arbitration and Conciliation Act, 1996. The learned counsel accordingly prayed that liberty may be granted to file sur-rejoinder on the issue of maintainability of the Petition.

2. The learned counsel for the Petitioner submitted that the Respondent may also be directed to file its response on merits.

3. The Commission after hearing the parties permitted the Respondent to file its response on the issue of maintainability as well as on merits, on affidavit, on or before **24.9.2018**, with advance copy to the Petitioner, who may file its submissions, if any, by **5.10.2018** so that both issues on maintainability and merits can be taken up by the Commission on the next date of hearing.

4. Matter shall be listed along with Petition No. 78/MP/2018 for hearing in due course for which separate notice shall be issued.

By order of the Commission

Sd/-
(T. Rout)
Chief (Law)

