

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No. 303/MP/2018
Alongwith IA No.81/2018**

Subject :Petition under Section 79(1)(b), 79(1)(c) & 79(1)(f) of the Electricity Act, 2003 read with Regulation 32 and the detailed procedure as envisaged under the Central Electricity Regulatory Commission (Grant of Connectivity, Long Term, Medium Term Open Access in Intra State and related matters) Regulations, 2009.

Petitioner : Jindal India Thermal Power Limited (JITPL)

Respondents : Northern Railways and Others

**Petition No. 304/MP/2018
Alongwith IA No.82/2018**

Subject :Petition under Section 79(1)(b), 79(1)(c) & 79(1)(f) of the Electricity Act, 2003 read with Regulation 32 and the detailed procedure as envisaged under the Central Electricity Regulatory Commission (Grant of Connectivity, Long Term, Medium Term Open Access in Intra State and related matters) Regulations, 2009.

Petitioner : Jindal India Thermal Power Limited (JITPL)

Respondents : East Central Railways and Others

**Petition No. 339/MP/2018
Alongwith IA No.94/2018**

Subject :Petition under Section 79(1)(b), 79(1)(c) & 79(1)(f) of the Electricity Act, 2003 read with Regulation 32 and the detailed procedure as envisaged under the Central Electricity Regulatory Commission (Grant of Connectivity, Long Term, Medium Term Open Access in Intra State and related matters) Regulations, 2009.

Petitioner : Jindal India Thermal Power Limited (JITPL)

Respondents : East Coast Railways and Others

Date of Hearing : 19.12.2018

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

Parties present :Shri Sanjay Sen, Senior Advocate, JITPL
Shri Pardeep Dahiya, Advocate, JITPL
Shri M.G. Ramachandran, Advocate, Railways
Ms. Poorva Saigal, Advocate, Railways

Record of Proceedings

Learned senior counsel for the Petitioner submitted that the present petitions have been filed for seeking directions that the PPAs entered into between the Petitioner and the Respondent No. 1 stands terminated by virtue of Article 4.4 of the PPA due to non-availability of NOC. Learned senior counsel for the Petitioner submitted that the Petitioner had filed Petition No. 278/MP/2018 on the similar ground which has already been admitted by the Commission and requested to list the present petition along with Petition No. 278/MP/2018.

2. Learned senior counsel submitted that the Petitioner has filed an Interlocutory Applications (IAs) for seeking direction to the Respondent No. 1 to prohibit them from taking any coercive measure till the disposal of the petitions.

3. After hearing the learned senior counsel for the Petitioner, the Commission admitted the petitions and directed to issue notice to the respondents.

4. Learned counsel for the Railways accepted notice in the Petitions and requested for time to file replies.

5. The Commission directed the Petitioner to serve copy of the petitions on the respondents immediately, if not served already. The respondents were directed to file their replies, by 11.1.2019, with an advance copy to the Petitioner, who may file its rejoinder, if any, by 31.1.2019. The Commission directed that due date of filing the replies and rejoinder should be strictly complied with. No extension shall be granted on that account.

6. As regards to the prayers made in the IAs, the Commission directed the respondents not to take any coercive measure till the next date of hearing. Accordingly, the Commission disposed of the IA Nos.81/2018, 82/2018 and 94/2018. The Petitioner was directed to keep the Performance Bank Guarantee valid till the next date of hearing plus three months and claim period in line with the terms and conditions of its PPA.

7. The Petitions along with Petition No. 278/MP/2018 shall be listed for hearing in due course for which separate notice will be issued.

By order of the Commission

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