

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 100/MP/2019

Subject : Petition under Section 79 (1)(b) and (f) of the Electricity Act, 2003 seeking adjudication of disputes arising out of the Agreement for Procurement of Power ("APP") dated 13.4.2016 and Supplementary Agreement dated 8.11.2017 executed between the Petitioner and the Respondent No.1.

Petitioner : Jindal India Thermal Power Limited (JITPL)

Respondents : Northern Railway –UP and Another

Date of Hearing : 7.5.2019

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

Parties present : Shri Venkatesh, Advocate, JITPL
Shri Somesh Srivastava, Advocate, JITPL
Shri Suhael Buttan, Advocate, JITPL
Shri Shubham Arya, Advocate, Northern Railways
Shri Atul S., Advocate, Northern Railways

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed for adjudication of disputes arising out of the Agreement for Procurement of Power (APP) dated 13.4.2016 and Supplementary Agreement dated 8.11.2017 executed between the Petitioner and Northern Railway, State of Uttar Pradesh (NR-UP). Learned counsel further submitted that the Petitioner has extended the Bank Guarantee and requested the Commission to direct the Respondents not to take any coercive steps towards encashment of the bank guarantee and to maintain the status quo.

2. Learned counsel for Northern Railways submitted that Northern Railways has also filed Petition No. 391/MP/2018 challenging the termination of APP and recovery of various charges, which is listed for hearing on admission on 9.5.2019. Learned counsel requested the Commission to take up the present Petition alongwith the Petition No.391/MP/2018.

3. After hearing the learned counsels for the Petitioner and Northern Railways, the Commission admitted the Petition and directed to issue notice to the Respondents.

4. The Commission directed the Petitioner to serve copy of the Petition on the Respondents immediately, if not served already. The Respondents were directed to file their replies by 4.6.2019 with an advance copy to the Petitioner who may file its rejoinder, if any, by 18.6.2019. 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.

5. The Commission directed the Respondents not to take any coercive measure for

invoking the Bank Guarantee till the next date of hearing. The Commission also directed the Petitioner to keep the Bank Guarantee alive till the disposal of the Petition.

6. The Petition shall be listed for hearing in due course for which separate notice will be issued.

By order of the Commission

**Sd/-
(T.D. Pant)
Deputy Chief (Law)**