

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 132/MP/2019

Subject : Petition under Section 79(1)(f) of the Electricity Act, 2003 read with Clause 7.0 of the Bulk Power Purchase Agreement executed between Indian Railways and Bharatiya Rail Bijlee Company Limited dated 16.12.2010 seeking relief on account of Force Majeure events being suffered by the Indian Railways.

Petitioner : Indian Railways

Respondents : Bhartiya Rail Bijlee Company Limited and Others

Date of hearing : 9.7.2019

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

Parties present : Shri Sitesh Mukherjee, Advocate, Indian Railways
Shri Divyanshu Bhatt, Advocate, Indian Railways
Shri Arjun Agarwal, Advocate, Indian Railways
Shri Aryaman Saxena, Advocate, Indian Railways
Shri Anand K. Ganesan, Advocate, BRBCL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed for seeking relief on account of various Force Majeure events, namely, delay in commissioning of the various units of the Project by BRBCL, delay in operationalization of the LTA by CTU and delay in issuing the NOC by various STUs, which have uncontrollably prevented the Petitioner from off-taking and consuming power from the Nabinagar Thermal Power Station. Learned counsel requested to issue notice to the Respondents.

2. Learned counsel for BRBCL accepted notice and requested for time to file its reply to the Petition.

3. After hearing the learned counsels for the Petitioner and BRBCL, 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. The Respondents were directed to file their replies, by 31.7.2019, with an advance copy to the Petitioner, who may file its rejoinder, if any, by 19.8.2019. 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 Petition shall be listed for hearing in due course for which separate notice shall be issued to the parties.

By order of the Commission

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