

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No. 92/MP/2018
Alongwith I.A. Nos. 15/2018 and 9/2019**

Subject : Petition under Sections 79(1)(c) read with 79(1)(f) of the Electricity Act, 2003, *inter-alia*, seeking a direction to Respondent No. 1 to pay a sum of Rs. 112.39 crore, being the financial loss suffered by the Petitioner, on account of delay in commencement of the Long Term Access granted to the Petitioner, due to delay in implementation of the Transmission system falling in the scope of Respondent No. 1's obligations, along with interest on the same till the date of payment of the amount by Respondent No. 1 to the Petitioner.

Petitioner : Shiga Energy Private Ltd. (SEPL)

Respondents : Power Grid Corporation of India Limited and Another

Date of Hearing : 4.7.2019

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

Parties present : Shri Deepak Khurana, Advocate, SEPL
Shri Vineet Tayal, Advocate, SEPL
Ms. Suparna Srivastava, Advocate, PGCIL
Ms. Nehul Sharma, Advocate, PGCIL
Ms. Jyoti Prasad, PGCIL
Shri VN Paranjape, PGCIL

Record of Proceedings

Learned counsel for the Petitioner submitted that it had filed an Interlocutory Application (I.A) seeking amendment in the prayer by including an alternate relief qua the Respondent No. 2, Government of Sikkim. Learned counsel requested to issue notice on the IA.

2. Learned counsel for PGCIL objected to the I.A and submitted that the words used by the Petitioner in the IA "as a measure of abundant caution", in view of the reply filed by PGCIL "passing the buck" to the Government of Sikkim. Learned counsel further submitted that the Petitioner has unequivocally stated that it is not amending its cause of action which has been pleaded in the Petition only qua PGCIL rather the Petitioner has reaffirmed and reasserted its pleadings and claims "as raised in the present Petition", meaning thereby that the Petitioner's grievance and the resultant claim continues to be against PGCIL and not against the Government of Sikkim. Learned counsel submitted that the amendment must be sought for bringing the real question in controversy between the parties to the fore. Learned counsel sought permission to file additional submission on the amended Petition.

3. After hearing the learned counsel for the Petitioner and the Respondent, the Commission allowed the I.A and directed to issue notice to the Government of Sikkim on the amended Petition. Accordingly, I.A No. 9/2019 was disposed of.

4. The Commission directed the Petitioner to serve copy of the amended Petition on the Respondents, if not served already. The Respondents were directed to file their replies and additional submission, by 31.7.2019, with an advance copy to the Petitioner, who may file its rejoinder, if any, by 9.8.2019. The Commission directed that due date of filing the replies and rejoinders 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 will be issued.

By order of the Commission

**SD/-
(T. D Pant)
Dy. Chief (Law)**