



केन्द्रीय विद्युत विनियामक आयोग  
CENTRAL ELECTRICITY REGULATORY COMMISSION



Sanoj Kumar Jha, IAS  
Secretary

To.  
The Registrar General,  
Calcutta High Court,  
Kolkata

21st July, 2020

Dear Sir,

Re: Reference from the Hon'ble High Court under Article 226 of Constitution of India in Order dated 10.6.2019 in M.A.T. No.1981 of 2016 with C.A.N. 11255 of 2016 (NTPC Limited Vs Eastern Coalfields Ltd. & Ors.) and the Order dated 23.9.2016 in WP No.17044/2015.

The Division Bench of the Hon'ble High Court of Calcutta vide its order dated 10.6.2019 in C.A.N. No. 11255 of 2016 with M.A.T No.1981 of 2016 (NTPC Limited Vs Eastern Coalfields Ltd & Ors) has issued the following directions:

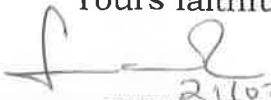
*" The appeal in hand cannot be treated as one of the usual adversarial litigations. It has to be considered as a matter which deserves to be liquidated through requisite negotiations and decision making in exercise of statutory power by the Central Electricity Regulatory Commission. Since there was some debate at the bar during the course of hearing of this matter as to whether the Central Electricity Regulatory Commission has the power under the Act to adjudicate on this issue, we clarify that this order be treated as a reference to it by this Court in exercise of power under Article 226 of the Constitution of India to enable the Central Electricity Regulatory Commission to consider all aspects of the disputes and decide on them and place its decision before this court within a period of four months from the date of receipt of this order.*

*It is clarified that the proceeding before the Central Electricity Regulatory Commission will be without prejudice to the rights and contentions of the parties so that the writ appeal can be further prosecuted in the event the proceedings before the Central Electricity Regulatory Commission fails."*

2. In terms of the reference from the Hon'ble High Court under Article 226 of Constitution of India and the directions as above, the Commission after hearing the parties, has, by order dated 21.7.2020 in Petition No. 280/MP/2019 recorded its decision on the various aspects of the issues and disputes between the parties.

3. Accordingly, the Commission's order dated 21.7.2020 in Petition No. 280/MP/2019 is enclosed herewith with a kind request to place the same before the appropriate Bench of the Hon'ble High Court.

Yours faithfully,

  
21/07/2020  
**(SANOJ KUMAR JHA)**

Encl: 1. Certified copy of Commission's order dated 21.7.2020 in Petition No. 280/MP/2019  
2. Copy of Hon'ble High Court of Kolkata dated 10.6.2019 M.A.T. No.1981 of 2016 with C.A.N. 11255 of 2016 (NTPC Limited Vs Eastern Coalfields Ltd. & Ors.)