

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.20/MP/2023**

- Subject : Petition under Section 79(1)(f) read with 79(1)(b) of the Electricity Act, 2003 and Agreements for Procurement of Power (APP) dated 3.3.2022 and 10.3.2022 challenging the Termination Notice dated 18.8.2022 issued by South Western Railways under Article 4.4 of the APP dated 3.3.2022 and consequential actions pursuant to the Termination Notice.
- Date of Hearing : **19.7.2023**
- Coram : Shri Jishnu Barua, Chairperson  
Shri I. S. Jha, Member  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member
- Petitioner : Jindal India Thermal Power Limited (JITPL)
- Respondents : South Western Railways (SWR), Indian Railways and Anr.
- Parties Present : Shri Akshat Jain, Advocate, JITPL  
Ms. Shefali Tripathi, Advocate, JITPL  
Shri Shikhar Verma, Advocate, JITPL  
Shri Venkatesh, Advocate, TPTCL  
Shri Jatin Ghuliani, Advocate, TPTCL  
Shri Vedant Choudhary, Advocate, TPTCL  
Shri Sanjeev Kumar, TPTCL  
Ms. Poorva Saigal, Advocate, SWR  
Ms. Shikha Sood, Advocate, SWR  
Ms. Anumeha Smiti, Advocate, SWR  
Ms. Kanupriya Sharma, IR

**Record of Proceedings**

Due to a paucity of time, the matter could not be taken-up for a detailed hearing. However, learned counsel for the Respondent, SWR pointed out that the Petitioner has yet to furnish the certain details/information as sought by the Commission vide Record of Proceedings for hearing dated 2.5.2023. In response, learned counsel for the Petitioner submitted that its response is ready and that it be permitted to file the same. Learned counsel also prayed that the interim protection granted by the Hon'ble Delhi High Court, which was extended by the Commission vide the aforesaid Record of Proceedings, be further extended till next date of hearing.

2. Considering the above, the Commission directed the Petitioner to file its affidavit in compliance with the direction issued vide para 4 of the Record of Proceedings for the hearing dated 2.5.2023 within a week. The Commission further directed that the stay granted by the Hon'ble Delhi High Court on the encashment of bank guarantee will be continuing till the next date of hearing.

3. The Petitioner is directed to submit the following information on an affidavit within three days with copy to the other side:

(a) A copy of the communication made with the Respondents, TPTCL and SWR, during the period from 1.3.2020 to 31.3.2020 regarding the claimed Change in Law.

(b) Actions taken to commence the supply, subsequent termination notice dated 18.8.2022.

4. The Respondent, TPTCL is directed to submit the following information on an affidavit within three days with a copy to the other side:

(a) Actions taken for commencement of supply of power from the Petitioner, to the Respondent, SWR in terms of APP i.e. from 1.4.2022.

(b) Actions taken for commencement of supply of power from the Petitioner, to the Respondent, SWR, after termination notice dated 18.8.2022.

(c) Energy sold by JITPL in the short term through TPTCL during the period from 1.4.2022 to 17.8.2022.

5. The Respondent, SWR is directed to submit on an affidavit within a week the reason for the issuance of a termination notice dated 18.8.2022, inspite of agreeing to the request of the Petitioner to commence the supply from 1.12.2022 through its NoC dated 8.6.2022.

6. The Petition shall be listed for hearing on **31.7.2023**.

**By order of the Commission**

**Sd/  
(T.D. Pant)  
Joint Chief (Law)**