

**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 : **31.7.2023**
- 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 Sanjeev Kumar, TPTCL
Shri Shubham Arya, Advocate, SWR/IR
Shri Ravi Nair, Advocate, SWR/IR
Ms. Anumeha Smiti, Advocate, SWR/IR

Record of Proceedings

At the outset, learned counsel for the Petitioner submitted that vide Record of Proceedings for the hearing dated 19.7.2023, the Commission had directed the Petitioner and the Respondents, TPTCL and SWR to furnish certain additional information. He further submitted that the Petitioner has already furnished the information called for vide affidavits dated 28.7.2023 & 29.7.2023. However, the Respondents have yet to file such information.

2. In response, learned counsel for the Respondent, SWR submitted that the Respondent has already filed the information as called for vide affidavit dated 30.7.2023. Learned counsel clarified that as such there is no delay on the part of the Respondent as the said Record of Proceedings, permitting a week's time to file the information, was issued only on 25.7.2023. Learned counsel pressed for the hearing in the matter and pointed out that due to interim protection granted by the Commission, the Respondent is restricted from encashing the Bank Guarantee. Learned counsel for the Petitioner, however, submitted that Petitioner is yet to receive and examine the Respondent's said affidavit and in any case, Respondent No.2 is yet to file its affidavit. Accordingly, the learned counsel for the Petitioner prayed for a short accommodation in the matter.

3. Considering the submissions made by the learned counsel for the parties, the Commission adjourned the matter to provide one last opportunity to the parties to file their respective affidavits, if any, within a day. The Commission further directed that the interim protection extended by the Commission to the stay granted by the Hon'ble Delhi High Court on encashment of bank guarantee, will continue till the next date of hearing.

4. The Commission directed to list the matter for final hearing on **3.8.2023** and indicated that no adjournment will be granted in the matter for any reason whatsoever.

By order of the Commission

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