

**CENTRAL ELECTRICITY REGULATORY COMMISSION
New Delhi**

**Review Petition No. 9/RP/2024
with IA No. 19 of 2024**

Subject : Petition for review and modification of the order dated 31.12.2023 in Petition No. 237/MP/2021 under Section 94(1) (f) of the Electricity Act, 2003 read with Regulations 52 and 65 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 2023 read with order dated 10.1.2024 of Hon'ble Delhi High Court in Writ Petition (C) No. 194/2024 and C.M. Application No. 889/2024.

Date of Hearing : 4.4.2024

Coram : Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
Shri P. K. Singh, Member

Petitioner : Khargone Transmission Limited

Respondents : Madhya Pradesh Power Management Company Limited and Ors.

Parties present : Shri Sanjay Sen, Sr. Advocate, KTL
Shri Nihal Bhardwaj, Advocate, KTL
Shri Harsh Vardhan, Advocate, KTL
Shri Venketesh, Advocate, NTPC
Shri Anup Jain, Advocate, MSEDCL
Shri Vyom Chaturvedi, Advocate, MSEDCL
Ms. Swapna Seshadri, Advocate, GUVNL
Ms. Kirti Soni, Advocate, GUVNL
Shri Vivek Kumar, NTPC
Shri Siddharth Sharma, CTUIL

Record of Proceedings

Khargone Transmission Limited (KTL), has filed the present Review Petition for review and modification of the Commission's order dated 31.12.2023 passed in Petition No. 237/MP/2021, under Section 94(1) (f) of the Electricity Act, 2003 read with Regulations 52 and 65 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 2023 and in the light of order dated 10.1.2024 of Hon'ble Delhi High Court in Writ Petition (C) No.194/2024 and C.M. Application No. 889 /2024.

2. KTL filed Writ Petition (C) No. 194/2024 before the Hon'ble Delhi High Court against the Commission's order dated 31.12.2023 in Petition No. 327/MP/2021 on the ground of alleged violation of the principles of natural justice during the course of adjudication of Petition No. 327/MP/2021.



3. Learned senior counsel for the Review Petitioner submitted that the Hon'ble Delhi High Court disposed of the Writ Petition vide its order dated 10.1.2024, with a liberty to the Review Petitioner to file a review petition before the Commission and also observed that the interim arrangement of the Commission's order dated 17.5.2022, which was in subsistence during the pendency of Petition No. 237/MP/2021, shall continue to be in operation. He further submitted that along with the present review petition, the Review Petitioner has filed IA No. 19/2024 for restraining the Respondents from taking any coercive steps against the applicant/ Review Petitioner including invocation/ encashment of its Contract Performance Guarantees dated 7.7.2016.

4. Learned counsel for MPPMCL strongly objected to the submissions of the Review Petitioner for the continuance of the interim arrangement of the Commission's proceedings dated 17.5.2022 in IA (Diary) No. 178 of 2022 in Petition No. 237/MP/2021, during the pendency of the present Review Petition on the ground that the said order was based on the consent given by the MPPMCL in the said proceedings for not taking any coercive action against the Review Petitioner' was only valid till disposal of the said IA, and that the consent given before the Hon'ble Delhi Court in the said Writ Petition for keeping in abeyance the invocation of the bank guarantees of the Review Petitioner was valid till filing of the Review Petition by the Review Petitioner. Referring to the APTEL's order dated 23.2.2023 in IA No. 599 of 2022, IA No. 2216 of 2022 and IA No. 2217 of 2022 in Appeal No. 188 of 2022, learned counsel for MPPMCL submitted that there cannot be any stay on the invocation of bank guarantees.

5. Learned counsel for NTPC submitted that he would make his detailed submissions against the review petition on the next date of hearing.

6. After hearing the parties, the Commission gave the following directions:

(a) Admit. Issue notice.

(b) The Respondents are directed to file their replies on or before 14.5.2024, after serving an advance copy to the Petitioner, who may file its rejoinder, if any, by 28.5.2024.

7. The protection as granted by the Hon'ble High Court with regard to invocation of bank guarantees shall continue till the next date of hearing.

8. The Review Petition will be listed for hearing on 25.6.2024.

By order of the Commission

sd/-
(V. Sreenivas)
Joint Chief (Law)

