

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 95/MP/2016

- Subject : Petition under Section 79 (1) (f) and 79 (1) (b) of the Electricity Act, 2003 for the adjudication of disputes arising from the termination of the Power Purchase Agreement dated 9.7.2010 by the Bihar State Power (Holding) Company Limited.
- Date of Hearing: 1.7.2016
- Coram : Shri Gireesh B. Pradhan, Chairperson
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member
- Petitioner : Essar Power (Jharkhand) Limited
- Respondents : Bihar State Power Holding Company Limited and others
- Parties present : Shri J.J.Bhatt, Senior advocate, EPJL
Shri Sitiesh Mukherjee, Advocate, EPJL
Shri Deep Rao, Advocate, EPJL
Ms. Akansha Tyagi, Advocate, EPJL
Shri Sumant Nayak, EPJL
Shri Madav Gopal Gupta, EPJL
Shri Rishabh EPJL
Shri Naveen Prakash, Advocate, BSPHCL
Shri Himanshu Shekhar, Advocate, JUVNL
Shri S.N.L Kakar, BSPHCL
Shri J.K.Dubey, BSPHCL

Record of Proceedings

Learned counsel for Bihar State Power Holding Company Limited (BSPHCL) requested for short time to file reply to the petition on maintainability.

2. Learned counsel for Jharkhand Urja Vikas Nigam Limited requested for two weeks time to file reply to the petition on maintainability.

3. Learned counsel for BSPHCL submitted that BSPHCL would not take any coercive action on termination notice and Bank Guarantee till two days after the next date of hearing.

4. After hearing the learned senior counsel and learned counsels for the petitioner and the respondents, the Commission directed the respondents to file their replies by 15.7.2016 with an advance copy to the petitioner who may file its rejoinder, if any by 22.7.2016.

5. The Commission noted the submission of the learned counsel for BSPHCL that no coercive action would be taken till two days after the next date of hearing. The Commission observed that the parties should explore the possibility to mutually sort out the issue in the meantime.

6. The Commission directed to list the matter for hearing on maintainability on 26.7.2016.

By order of the Commission

**Sd/-
(T. Rout)
Chief (Law)**