

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No. 95/MP/2016
With I.A. 23 of 2016**

Subject : Petition for adjudication of dispute arising from the termination of the PPA dated 09.07.2010 by the Bihar State Power (Holding) Company Limited.

Date of hearing : 26.7.2016

Coram : Shri Gireesh B. Pradhan, Chairman
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member

Petitioner : Essar Power (Jharkhand) Limited

Respondent : Bihar State Power (Holding) Company Limited

Parties present : Shri Gopal Jain, Sr. Advocate, Essar
Shri Alok Shankar, Advocate, Essar
Shri Deep Rao, Advocate, Essar
Shri Madan Gopal Gupta, Essar
Ms. Shruti Verma, Essar
Shri Sitiesh Mukherjee, Advocate, Essar
Shri Navin Prakash, Advocate, BSP(H)CL
Shri Bharat Jha, BSP(H)CL
Shri Himanshu Shekhar, Advocate, JVVNL
Shri Janmesh Kumar, Advocate, JVVNL

Record of Proceedings

Learned senior counsel for the petitioner submitted that the parties are trying to mutually sort out the matter and requested for three months time for the same. Learned senior counsel further requested the Commission to extend the directions made in para 3 of the ROP dated 1.7.2016 till the next date of hearing. Learned counsel for Bihar State Power Holding Company Limited (BSPHCL) submitted that BSPHCL would not take any coercive action.

2. Learned counsel for BSPHCL submitted that reply to the petition has already been filed. However, the petitioner has not filed its rejoinder.

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

4. After hearing the learned senior counsel for the petitioner and learned counsels for the respondents, the Commission permitted the parties to complete the pleadings by 10.9.2016.

5. The Commission noted the submission for learned senior counsel for the petitioner and learned counsel for BSPHCL regarding the efforts undertaken by them to resolve the issue and directed to list the petition after three months. The Commission further noted the submission of learned counsel for BSPHCL that no coercive action would be taken against the petitioner till the next date of hearing and directed that the commitment should be duly complied with.

6. The petition shall be listed for hearing on maintainability on 10.11.2016.

7. The Commission observed that either party is at liberty to approach the Commission before the next date of hearing in the light of the outcome of the consultation process between the parties to find out an amicable solution.

By order of the Commission

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