

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

IA No. 79/2019 in Petition No. 155/MP/2019

Subject : Interlocutory Application under Section 94(b) and Section 142 of the Electricity Act, 2003 and Regulation 54, 55 and 74 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 read with principles of Section 30 and Order XI, XII and XIII of the Code of Civil Procedure, 1908.

Petitioner : Udupi Power Corporation Limited

Respondents : Power Company of Karnataka Limited and Ors.

Date of Hearing : 17.10.2019

Coram : Shri P. K. Pujari, Chairperson
Dr. M. K. Iyer, Member
Shri I. S. Jha, Member

Parties Present : Shri Amit Kapur, Advocate, UPCL
Ms. Aparajita Upadhyay, Advocate, UPCL
Ms. Adishree, Advocate, UPCL
Shri Amit Mittal, UPCL
Shri M. G. Ramachandran, Sr. Advocate, PCKL
Shri Aronav Patnaik, Advocate, PCKL
Shri Shubham Arya, Advocate, PCKL
Ms. Tanya Sareen, Advocate, PCKL
Shri Shikhar Saha, Advocate, PCKL

Record of Proceedings

Learned counsel for the Petitioner, Udupi Power Corporation Limited (UPCL) submitted that the present IA has been filed seeking direction to the Respondent, Power Company of Karnataka Limited (PCKL), to comply with the direction contained in the Record of Proceedings for the hearing dated 23.7.2019. Learned counsel submitted that in the said ROP, the Commission directed PCKL to provide copy of Technical Committee Report, (ii) Report of Mr. V. J. Talwar and (iii) Report of M/s Ramraj & Co. to the Petitioner. However, PCKL denied the same on the ground that these reports are internal reports of PCKL and no reliance can be placed by UPCL on them while making its claims.

2. Learned senior counsel for PCKL submitted that neither UPCL has served copy of the IA on the PCKL nor the Respondent could access it on the e-filing portal and requested for time to file reply to the IA. In response, learned counsel for UPCL submitted that copy of the IA would be served on the Respondents during the course of day.



3. Learned senior counsel for PCKL submitted that as per Section 129 of the Evidence Act, 1872, the parties cannot be compelled to disclose any confidential communication having taken place between the parties and their professional legal adviser.

4. After hearing the learned senior counsel for the Respondent, PCKL and the learned counsel for UPCL, the Commission directed UPCL to serve copy of IA to the Respondents immediately. The Commission directed the Respondents to file reply to IA, on or before, 1.11.2019 with an advance copy to UPCL who may file its rejoinder, if any, on or before 8.11.2019 The Commission directed the due date of filing reply and/or rejoinder should be strictly complied with.

5. The IA shall be listed for hearing in due course for which separate notice will be issued.

By order of the Commission

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

