

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 250/MP/2019 along with IA No. 60/2021

- Subject : Petition under Section 79(1)(b) and (f) of the Electricity Act, 2003 for recall of the order dated 12th April, 2019 passed by the Commission in Petition No. 374/MP/2018 granting approval to the Supplementary Agreements (two) dated 5.12.2018.
- Date of Hearing : 22.11.2021
- Coram : Shri P. K. Pujari, Chairperson
Shri I.S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Gujarat Urja Vikas Nigam Limited (GUVNL)
- Respondents : Adani Power (Mundra) Limited (APMuL) and Anr.
- Parties Present : Shri M. G. Ramachandran, Sr. Advocate, GUVNL
Shri Basava P. Patil, Sr. Advocate, Govt. of Gujarat
Shri Amit Kapur, Advocate, APMuL
Ms. Ranjitha Ramachandran, Advocate, GUVNL
Ms. Anushree Bardhan, Advocate, GUVNL
Shri Shubham Arya, Advocate, GUVNL
Ms. Srishti Khindaria, Advocate, GUVNL
Ms. Poonam Verma, Advocate, APMuL
Shri Saunak Rajguru, Advocate, APMuL
Shri Krishan Rana, Advocate, APMuL
Shri Anand K. Ganesan, Advocate, Govt. of Gujarat,
Ms. Harsha Manav, Advocate, Govt. of Gujarat
Shri K. P. Jangid, GUVNL
Shri Sanjay Mathur, GUVNL
Shri V. L. Lathia, GUVNL
Shri M. R. Krishan Rao, APMuL
Shri Mehul Rupera, APMuL
Shri Sameer Ganju, APMuL
Shri Malav Deliwala, APMuL
Shri Kumar Gaurav, APMuL
Shri Tanmay Vyas, APMuL
Shri Hitesh Singh, APMuL

Record of Proceedings

Case was called out for virtual hearing.

2. At the outset, learned senior counsel for Government of Gujarat (GoG) adopted the submissions made by the learned senior counsel for the Petitioner, GUVNL. The learned senior counsel relied on Section 10 and Section 14 (read with Section 17 and Section 18) of the Contract Act, 1872 and made additional submissions to substantiate its case.

3. The learned counsel for the Respondent, APMuL circulated a note of arguments in Petition No. 250/MP/2019 and a consolidated note of arguments for the Petition No. 250/MP/2019 and Review Petition No. 20/RP/2021 (that was also heard on the same day) and made detailed submissions in support of his arguments in Petition No. 250/MP/2019.

4. In rebuttal, the learned senior counsel for the Petitioner mainly relied on the judgment of the Hon`ble Supreme Court in Energy Watchdog case, provisions of Contract Act, 1872, order of the Commission dated 12.4.2019 in Petition No. 374/MP/2018 and affidavit filed by APMuL for urgent listing of the Civil Appeal pending before the Hon`ble Supreme Court and reiterated his submissions for recall of order dated 12.4.2019 in Petition No. 374/MP/2018.

5. After hearing the learned senior counsels and learned counsel for the parties, the Commission reserved order in the matter.

By order of the Commission

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