

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No. 276/GT/2018
along with I.A. No. 72 of 2019**

Subject : Petition for determination of tariff of 2x600 MW Coal Based Power Project at Village-Derang, District-Angul, Odisha for the period commencing from 12.2.2015 for the control period of 2014-2019

Petitioner : Jindal India Thermal Power Limited (JITPL)

Respondents : GRIDCO Limited

Date of Hearing : **13.4.2021**

Coram : Shri P.K.Pujari, Chairperson
Shri I.S.Jha, Member
Shri Arun Goyal, Member
Shri Pravas Kumar Singh, Member

Parties present : Shri Sajjan Poovayya, Senior Advocate, JITPL
Shri Matrugupta Mishra, Advocate, JITPL
Ms. Ritika Singhal, Advocate, JITPL
Shri Pratibhanu Singh, Advocate, JITPL
Shri Pulak Srivastav, JITPL
Shri R.K. Mehta, Advocate, GRIDCO
Ms. Susmita Mohanty, GRIDCO

Record of Proceedings

Case was called out for virtual hearing.

2. At the outset, the learned counsel for the Respondent GRIDCO submitted that the present petition has been listed for hearing on 'maintainability' in terms of the IA filed by the Respondent. He also submitted that the hearing of the Writ Petition (W.P.No.18150 of 2018) filed by the Petitioner before the Hon'ble High Court of Odisha, challenging the validity of MOUs & PPAs executed by the parties has commenced and the same is listed for hearing next week. He also submitted that since the issues involved in the Writ Petition are same as those raised in the present petition filed before this Commission, the hearing of this petition may be postponed till the disposal of the said writ petition.

3. In response, the learned Senior counsel for the Petitioner objected to the above submissions of the Respondent and clarified that the present petition has been filed pursuant to the order of the Odisha Electricity Regulatory Commission holding that this Commission has the jurisdiction to determine tariff of the generating station. He also submitted that the issues raised in the Writ Petition are entirely different from the



issues raised in the present petition (which has been filed for determination of tariff in terms of Section 62 read with Section 79(1)(b) of the 2003 Act) and the same is, therefore, maintainable. The learned Senior counsel, however, submitted that the Commission may, if agreed to, admit the petition and dispose of the same, after hearing the parties on 'maintainability' and on merits. The learned counsel for the Respondent submitted that the Commission may admit the matter, subject to decision on maintainability.

4. By consent of the parties, the Commission admitted the petition, subject to decision on 'maintainability'.

5. The Petition along with IA shall be listed for hearing on 'maintainability' and on merits, in due course, for which separate notice will be issued to the parties.

By order of the Commission

Sd/-
B.Sreekumar
Joint Chief (Law)

