

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 278/MP/2018**

Subject : Petition under Section 79(1)(b), 79(1)(c) and 79(1)(f) of the Electricity Act, 2003 read with Regulation 32 and the detailed procedure as envisaged under the Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access, Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009.

Petitioner : Jindal India Thermal Power Limited (JITPL)

Respondents : Indian Railways (IR) and Anr.

**Petition No. 303/MP/2018**

Subject : Petition under Section 79(1)(b), 79(1)(c) and 79(1)(f) of the Electricity Act, 2003 read with Regulation 32 and the detailed procedure as envisaged under the Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access, Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009.

Petitioner : Jindal India Thermal Power Limited

Respondents : Indian Railways and Anr.

**Petition No. 304/MP/2018**

Subject : Petition under Section 79(1)(b), 79(1)(c) and 79(1)(f) of the Electricity Act, 2003 read with Regulation 32 and the detailed procedure as envisaged under the Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access, Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009.

Petitioner : Jindal India Thermal Power Limited

Respondents : Indian Railways and Anr.

**Petition No. 339/MP/2018**

Subject : Petition under Section 79(1)(b), 79(1)(c) and 79(1)(f) of the Electricity Act, 2003 read with Regulation 32 and the detailed procedure as envisaged under the Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access, Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009.

Petitioner : Jindal India Thermal Power Limited



Respondents : Indian Railways and Anr.

Date of Hearing : 23.11.2021

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

Parties Present : Shri Amit Kapur, Advocate, JIPTL  
Shri Pardeep Dahiya, Advocate, JIPTL  
Shri Pulkit Srivastava, Advocate, JIPTL  
Shri Pulkit Aggarwal, Advocate, IR and REMCL  
Shri Sanjay Singh, REMCL  
Shri Manish Towari, REMCL

### **Record of Proceedings**

Cases were called out for virtual hearing.

2. At the outset, the learned counsel appearing on behalf of the Petitioner sought three weeks' time to place on record certain details/ documents by way of an additional affidavit. The learned counsel for the Petitioner submitted that the Respondents have approached the Chhattisgarh State Electricity Regulatory Commission (CSERC) by way of a Petition No. 44 of 2020 seeking direction to the State Utilities for issuance of NoC for open access which is listed for hearing on 10.12.2021. He further added that the conduct of the Respondents including filing of the aforesaid Petition before CSERC, asking the Petitioner to extend the Bank Guarantee ('BG'), etc. clearly demonstrates that the Agreements for Procurement Power ('APPs') are alive and not deemed terminated as alleged by the Respondents.

3. The Commission observed that the Respondent, Indian Railways during the course of hearing dated 15.4.2021 had informed the Commission that in terms of the minutes of the meeting held on 19.11.2019, it was agreed between the parties that if the power supply under the APPs is not commenced by 1.4.2020 due to any reason, the APPs will be considered as deemed terminated without any financial liability on either party and that since the supply of power did not commence by 1.4.2020, APPs stood terminated w.e.f. 1.4.2020 and BG will be returned by Railways to the Petitioner. The above submission on behalf of the Respondent, Indian Railways has been reaffirmed by the learned counsel for the Respondent in the present proceedings as well. The Commission further observed that these Petitions are pending since 2018 and the pleadings in the matters are already completed. However, it was on the basis of the request of the parties, opportunities were given to the parties to amicably resolve the issues, which did not lead to any result.

4. In response, learned counsel for the Petitioner and the Respondent, Indian Railways sought permission to file written submissions in the matters.

4. Considering the request of the learned counsels for the Petitioner and the Respondents, the Commission directed the Respondents to file written submissions by 3.12.2021 with copy to the Petitioner who will file its written submissions by 13.12.2021.

5. Subject to the above, the Commission reserved the matters for order.

**By order of the Commission**  
**Sd/-**  
**(T.D. Pant)**  
**Joint Chief (Law)**