

**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 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 : 15.4.2021

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

Parties Present : Shri Pardeep Dahiya, Advocate, JIPTL
Shri Pulkit Aggarwal, Advocate, Indian Railways and REMCL

Record of Proceedings

Cases were called out for virtual hearing.

2. Learned counsel for the Petitioner submitted that pursuant to the direction of the Commission vide Record of Proceedings for the hearing dated 31.10.2019, the Petitioner had convened a meeting with the Respondents on 19.11.2019 to resolve the issues involved in the matters and has filed the minutes of the said meeting. Learned counsel further submitted that as far as Petition No. 278/MP/2018 is concerned, the Respondents have approached the Chhattisgarh State Electricity Regulatory Commission (CSERC) by way of a Petition seeking direction to the State Utilities for issuance of NoC for open access, which is still pending before the CSERC and the Petition is listed for hearing on 7.5.2021. It was further submitted that the Petitioner has extended Bank Guarantee (BG) furnished under the Agreements for Procurement of Power (in short 'the APP') upto 30.9.2021 and that the Petitioner will commence the supply of power upon the receipt of NoC.

2. Learned counsel for the Respondents submitted the following:

(a) In terms of the minutes of the meeting held on 19.11.2019, it was agreed between the parties that if the power supply 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 BG will be returned by Railways to the Petitioner. Since the supply of power did not commence by 1.4.2020, APPs stood terminated w.e.f. 1.4.2020. Thus, the present Petitions ought to be disposed of in light of the above minutes of meeting dated 19.11.2019.

(b) In respect of Petition No. 304/MP/2018, the aforesaid date (1.4.2020) for commencement of power supply was extended till 31.10.2020 in subsequent meeting. Since supply of power did not commence by the said date, the APP stood terminated in this Petition No. 304/MP/2018 also.

(c) Extension of BG by the Petitioner has been on its own volition and the Respondents did not concur to any further extension. The Respondents are willing to return the BG within a period of three weeks after the directions of the Commission.

3. In rebuttal, the learned counsel for the Petitioner opposed the submissions of the learned counsel for the Respondents as regards termination of the APPs. It was

submitted that there are subsequent communications and other minutes of meetings, which would indicate the contrary position.

4. After hearing the learned counsels for the parties, the Commission directed the Petitioner to file subsequent/ latest minutes of the meetings convened between the parties to resolve the issues involved, on affidavit within two weeks.

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

By order of the Commission

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