

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.155/MP/2022

Subject : Petition under Section 79(1)(b) and (f) of the Electricity Act, 2003 for adjudication of disputes arising out of Agreement for Procurement of Power dated 13.4.2016 between Northern Railways for Uttar Pradesh and Jindal India Thermal Power Limited read with the Supplementary Agreement dated 8.11.2017.

Petitioner : Indian Railways (IR)

Respondents : Jindal India Thermal Power Limited (JITPL) and Anr.

Petition No.194/MP/2022 along with IA No. 22/2023

Subject : Petition under Section 79(1)(b) and (f) of the Electricity Act, 2003 for adjudication of disputes arising out of Agreement for Procurement of Power dated 13.4.2016 between Northern Railways for Uttar Pradesh and Jindal India Thermal Power Limited read with the Supplementary Agreement dated 8.11.2017.

Petitioner : Jindal India Thermal Power Limited

Respondents : Northern Railways (NR) and Anr.

Date of Hearing : **12.7.2023**

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

Parties Present : Shri M. G. Ramachandra, Sr. Advocate, IR
Shri Pulkit Agarwal, Advocate, IR
Ms. Srishti Khindaria, Advocate, IR
Ms. Kanupriya, REMCL
Shri Akshat Jain, Advocate, JITPL
Ms. Shefali Tripathi, Advocate, JITPL
Shri Shikhar Verma, Advocate, JITPL
Shri Alok Mishra, ERLDC



Record of Proceedings

At the outset, learned counsel for JITPL submitted that pursuant to the Record of Proceedings for the hearing dated 17.1.2023 in these matters, JITPL proceeded to deposit the amount equivalent to the Bank Guarantee (BG) under the Agreement for Procurement Power (APP) i.e. Rs. 8.3 crore to India Railways (IR). Learned counsel submitted that since initially there was a delay on the part of IR to provide the bank/ account details to JITPL to deposit the above amount in terms of the directions issued under the Record of Proceedings for the hearing dated 17.1.2023, JITPL proceeded to file IA No. 22/2023, *inter alia*, restraining IR from taking any coercive actions including the invocation/encashment of BG furnished under the APP. Learned counsel submitted that the said IA has now become infructuous and, accordingly, should be disposed of. Learned counsel further submitted that both JITPL and IR have also filed their respective amended Petitions as after the filing of the original Petitions, APP has come to be terminated by both sides. Learned counsel submitted that JITPL is, however, yet to file its reply to the amended Petition No. 155/MP/2022 and its rejoinder to IR's reply in Petition No. 194/MP/2022 and thus, be permitted additional time to complete the pleadings.

2. Learned senior counsel for IR submitted that, vide Record of Proceedings for the hearing dated 11.4.2023, the Commission had already directed the parties to complete the pleadings in the amended Petitions. However, JITPL has yet to file a reply in the amended Petition No. 155/MP/2022. Learned senior counsel also sought liberty to file a rejoinder once JITPL filed its reply.

3. Considering the submissions made by the learned senior counsel and learned counsel for the parties, the Commission directed the parties to complete the pleadings in the amended Petitions within four weeks. IA No.22/2023, as having been rendered infructuous in light of the subsequent developments, was disposed of.

4. The Petitions shall be listed for hearing on **22.9.2023**.

By order of the Commission

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