

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.269/MP/2018**

Subject : Petition under Section 142 of the Electricity Act, 2003 for non-compliance of direction dated 28.9.2017 in Petition No. 97/MP/2017.

Date of Hearing : **13.9.2023**

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

Petitioner : Adani Power (Mundra) Limited (APMuL)

Respondents : Uttar Haryana Bijli Vitran Nigam Limited and 6 Ors.

Parties Present : Shri Amit Kapur, Advocate, APMuL  
Ms. Poonam Verma Sengupta, Advocate, APMuL  
Shri Saunak Rajguru, Advocate, APMuL  
Shri Subham Bhut, Advocate, APMuL  
Shri Kumar Gaurav, APMuL  
Shri Sanjay Jain, Sr. Advocate, Haryana Discoms  
Shri Lokesh Sinhal, AAG, Haryana Discoms  
Ms. Ashima Gupta, Advocate, Haryana Discoms  
Shri Akash Lamba, Advocate, MSEDCL  
Ms. Nikita Choukse, Advocate, MSEDCL

**Record of Proceedings**

At the outset, learned counsel for the Respondent, MSEDCL, prayed for an adjournment on the grounds of the non-availability of the arguing senior counsel. Learned counsel sought liberty to file the response to the Petitioner's affidavit dated 6.9.2023, placing on record certain information/details as called for by the Commission.

2. Learned senior counsel for the Respondents, Haryana Discoms, submitted that pursuant to the direction of the Commission vide Record of Proceedings for the hearing dated 30.6.2023, the Petitioner has filed an affidavit dated 6.9.2023 placing on record certain details/information as called for by the Commission under six different heads vide the said Record of Proceedings. Learned senior counsel, however, pointed out that the said direction of the Commission has not been complied with by the Petitioner inasmuch as it has failed to provide the details/information as called for by the Commission under certain heads and has provided only truncated details in respect of certain other heads. Learned senior counsel, accordingly, sought liberty to file their response to the aforesaid affidavit as filed by the Petitioner. Learned senior counsel further submitted that in order to ensure that all the requisite details are made available, the Respondents, in their reply, have also indicated that Coal India Limited and the Ministry of Railways be impleaded as parties to the present Petition. Learned senior counsel pointed out that, as per

Section 94(1) of the Electricity Act, 2003, this Commission has been vested with the power of the Civil Court, which permits this Commission to requisition any public record from a public entity. Learned senior counsel further emphasized that the availability of all requisite data is essential to determining the Change in Law impact *qua* Inter-Plant Transfer, and if required, the Respondents will also move an appropriate application before the Hon'ble Supreme Court seeking an extension of time for determination/disposing of the present Petition.

3. In response, learned counsel for the Petitioner submitted that the Petitioner has already filed its affidavit dated 6.9.2023 in response to the Commission's directions, vide Record of Proceedings for the hearing dated 30.6.2023. Learned counsel further submitted that as per the limited remand directions of the Hon'ble Supreme Court, the scope for the remand is restricted to working out the 'cost of saving in the railway transportation'. It was further submitted by the learned counsel Petitioner that the relevant details in respect of 'cost of saving in railway transportation' have been furnished.. Since the performance parameter guaranteed by OEM and actual parameters such as SHR & AEC are not necessary for working out the 'cost of saving in railway transportation', the same has not been submitted at this stage. Learned counsel further submitted that the Respondents may file their respective comments, if any, on the details/ information as furnished by the Petitioner and the Petitioner may also be permitted to file its response thereon, if any.

4. Considering the submissions made by the learned counsel for the parties, the Commission permitted the Respondents to file their comments to the Petitioner's affidavit dated 6.9.2023, if any within two weeks with a copy to the Petitioner, who may file its response thereon, within two weeks thereafter. The Commission further observed that the Respondents are at liberty to seek the required data from the Railways and CIL.

5. The Petition will be listed for hearing on **11.10.2023**.

**By order of the Commission**

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