

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 141/MP/2024 along with IA No.29/2024**

Subject : Petition under Section 79 of the Electricity Act, 2003 for execution of order dated 27.8.2008 passed in Petition No. 60 of 2008 and initiation of proceedings/ appropriate action under Section 142 read with Section 149 of the Electricity Act, 2003 and Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 against the Respondents for non-compliance of order dated 27.8.2008 passed in Petition No. 60/2008.

Petitioner : Inox Wind Energy Limited (IWEL)

Respondents : Rajasthan Rajya Vidyut Prasaran Nigam Limited and 3 Ors.

Date of Hearing : **29.4.2024**

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

Parties Present : Shri Alok Krishna Agarwal, Advocate, IWEL  
Shri Rishabh Thakur, Advocate, IWEL

**Record of Proceedings**

Learned counsel for the Petitioner submitted that the present Petition had been filed seeking the execution of the Commission's order dated 27.8.2008 in Petition No. 60 of 2008. Learned counsel further referred to the Petition and briefly narrated the sequence of events pursuant to the Commission's order dated 27.8.2008.

2. In response to the specific query of the Commission regarding limitation, the learned counsel submitted that the period of limitation prescribed for filing the execution Petition is 12 years in terms of Article 136 of the Limitation Act, 1963, and as per the Petitioner, the present Petition is not barred by limitation. Learned counsel, however, added that earlier the Petitioner had filed an Execution Petition No.14/2022 before the APTEL on 3.8.2022 under a *bona fide* belief that the said execution Petition would be maintainable before the APTEL. However, subsequently, the said Petition was withdrawn by the Petitioner to pursue the present Petition, and the Petitioner, as a matter of abundant caution, has also filed IA No. 29/2024 to condone the delay, if any, in filing the present Execution Petition after excluding the period consumed in pursuing remedy of execution in the Execution Petition No. 14/2022 before the APTEL.

3. Considering the submissions made by the learned counsel for the Petitioner, the Commission ordered as under:

- (i) Issue notice to Respondents on the maintainability qua limitation.

(ii) The Respondents to file their reply on the maintainability, if any, within eight weeks with a copy to the Petitioner, who may file its rejoinder within three weeks thereafter.

4. The Petition will be listed for hearing on maintainability on **11.7.2024**.

**By order of the Commission**

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