

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

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

Subject : Petition under Section 142 of the Electricity Act, 2003, for noncompliance of the Commission's direction dated 28.9.2017 in Petition No. 97/MP/2017

Date of Hearing : **3.1.2024**

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

Petitioner : Adani Power Limited

Respondents : Uttar Haryana Bijli Vitran Nigam Limited and Others.

Parties Present : Shri Amit Kapur, Advocate, APML  
Ms. Poonam Verma Sengupta, Advocate, APML  
Shri Saunak Rajguru, Advocate, APML  
Shri Shubham Bhut, Advocate, APML  
Ms. Sampada Narang, Advocate, APML  
Shri Kumar Guarav, APML  
Shri M. R. Krishna Rao, APML  
Shri Sanjay Jain, Sr. Advocate, HPPC  
Ms. Ashima Gupta, Advocate, HPPC  
Shri Lokesh Sinhal, AAG, HPPC  
Shri Bipin Gupta, Advocate, Rajasthan Discoms  
Shri Pramhans Sahani, Advocate, Rajasthan Discoms  
Shri Ravi Prakash, Advocate, MSEDCL  
Shri Akash Lamba, Advocate, MSEDCL

**Record of Proceedings**

At the outset, the learned senior counsel for Respondents, Haryana Discoms, submitted that pursuant to the Record of Proceedings for the hearing dated 25.10.2023 & 28.11.2023, the Respondents had written letters to Coal India Limited (CIL) and Railways for seeking specific & precise details/information for working out the cost of savings in railway transportation on account of IPT scheme. The learned senior counsel submitted that while CIL has furnished the information/ details, as requested, the response from the Railways is still awaited. The learned senior counsel submitted that the Respondents have already written three letters to the Railways requesting them to furnish the required information/details, but no response has been received so far. The learned senior counsel further submitted that while the Respondents' comments in relation to the details/information as furnished by the CIL are ready, an affidavit to this extent has not been filed in view of the pendency of the receipt of relevant details/information from the Railways. The learned senior counsel added that although during the previous hearing, the Respondents did not press for impleadment of CIL and Railways as a party to the present Petition as originally requested vide affidavit dated 19.8.2023, in the event such information/details are not

received from Railways, the Commission may consider impleading the Railways as a party to the Petition. The learned senior counsel urged the Commission to suitably instruct the Railways in this regard, which would enable the Respondents to expeditiously pursue the matter with the Railways.

2. In response, the learned counsel for the Petitioner submitted that in terms of the judgment of the Hon'ble Supreme Court dated 20.4.2023 in Civil Appeal No. 2908 of 2022, the matter was required to be decided within six months from the date of the said judgment. Learned counsel further submitted that keeping in view the request of Respondents, the Commission permitted the Respondents to file requisite information/details received from the Railways and Coal India Limited, and sufficient time had already been granted to them in this regard. However, the matter ought not to be allowed to stall any further for the Railway's response to the letters of the Respondents. The learned counsel submitted that the Respondents cannot be allowed to seek impleadment of new parties at this stage of the remand proceedings. The learned counsel accordingly requested the Commission to fix the matter for the final hearing.

3. The learned counsel for the Petitioner further submitted that during the course of the hearing on 13.9.2023, the learned senior counsel of the Respondents, Haryana Discoms, had emphasized that since all the 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. However, no such step has been taken by the Respondents in this regard.

4. In response to the query of the Commission whether the interim relief in the present Petition can be granted based on the data submitted by the Ministry of Coal, learned senior counsel for the Haryana Discoms submitted that the interim relief cannot be computed in the absence of data/information pending from the Railways.

5. After considering the submissions of the learned senior counsel for and learned counsels for the parties, the Commission directed as under:

(a) The Respondents, Haryana Discoms, are at liberty to take up the matter regarding the requisition of relevant details/information with the Railways expeditiously, and the Commission expects the Railways to co-operate with such request of Respondents.

(b) Irrespective of the receipt/non-receipt of the details/information from the Railways as above, the Respondents are to file their affidavit in compliance with the direction issued vide Record of Proceedings for the hearing dated 28.11.2023, on or before 31.1.2024.

(c) The Petitioner will file its response thereon, if any, within two weeks thereafter.

6. The Petition will be listed for final hearing on **21.2.2024**.

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