

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 269/MP/2018 along with IA Nos. 22 & 26/2024

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.

Petitioner : Adani Power (Mundra) Limited (APMuL)

Respondents : Uttar Haryana Bijli Vitran Nigam Limited & Ors.

Date of Hearing : **22.8.2024**

Coram : Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member

Parties present : Shri Amit Kapur, Advocate, APMuL
Ms. Poonam Verma Sengupta, Advocate, APMuL
Shri Saunak Rajguru, Advocate, APMuL
Shri Shubham Bhut, Advocate, APMuL
Shri Kumar Gaurav, APMuL
Shri Tushar Mathur, Advocate, MSEDCL
Ms. Ashima Gupta, Advocate, Haryana Discoms
Shri Gaurav Gupta, Advocate, Haryana Discoms
Shri Vikrant Saini, Advocate, Haryana Discoms
Shri Vipin Gupta, Advocate, Rajasthan Discoms
Shri Paramhans Sahni, Advocate, Rajasthan Discoms

Record of Proceedings

At the outset, the learned counsel for Respondent Nos. 1 & 2, Haryana Discoms, submitted that the Respondents have moved two Miscellaneous Applications bearing Diary Nos. 14202/2024 and 23122/2024 seeking an extension of the remand period and clarification on the issue of the mode of transportation of coal in paragraphs 32 and 33 of the judgment of the Hon'ble Supreme Court dated 20.4.2023 in Civil Appeal No. 2908 of 2022, which are yet to be listed for the hearing. The learned counsel further submitted that the Respondents had been following-up on their listing with the Registry of the Hon'ble Supreme Court and are also likely to be mentioned before the Hon'ble Supreme Court. The learned counsel, accordingly, requested to defer the hearing in the matter for a period of six weeks. The learned counsel for the Petitioner agreed to the said submissions.

2. The learned counsel for the Respondents, Haryana Discoms, further submitted that in the meantime, the Commission might consider allowing the Respondents' request

for the impleadment of Indian Railways and Coal India Limited as Respondents in the matter. The learned counsel submitted that despite the repeated requests to the Railways, the Respondents have not been able to obtain the Railway Receipts for the actual coal dispatched from the coal mines to the power plants under the IPT Scheme and vide letter dated 4.4.2024, Railway Board has now asked the Respondents to approach the concerned zonal/divisional railway authorities. Similarly, the information provided by Coal India Limited is inadequate and hints at many infirmities. The learned counsel, accordingly, urged the Commission to implead Indian Railways and Coal India Limited as a party to the Petition.

3. In response to the specific query of the Commission as to whether the Respondents approached the concerned zonal/divisions railway authorities for Railway Receipts, the learned counsel for the Respondents replied in negative.

4. Considering the submissions of the learned counsels for the Petitioner and Haryana Discoms, the Commission ordered as under:

(a) The Petitioner to implead Coal India Limited as a party to the Petition and file a revised memo of parties within a week.

(b) Insofar as the request to implead Indian Railway as a party is concerned, the Respondents to first approach concerned zonal/divisional railway authorities for the requisite information as indicated by Railway Board vide letter dated 4.4.2024 and, thereafter, apprise the outcome thereof.

(c) The Respondents, Haryana Discoms to also apprise the status of its Miscellaneous Applications filed before the Hon'ble Supreme Court as noted above.

5. Based on the consent of both sides, the matter was deferred and will be listed for hearing on **22.10.2024**.

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