

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

IA No. 32/2024 in Petition No. 167/MP/2023

- Subject : Application under Regulation 26 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 read with Order VI Rule 17 of the Code of Civil Procedure Code, 1908 and Section 21 of the Specific Relief Act, 1963 seeking amendment to the Petition No. 167/MP/2023.
- Petitioner : Sikkim Urja Limited (SUL)
- Respondents : Uttar Pradesh Power Corporation Limited (UPPCL) and Ors.
- Date of Hearing : **8.5.2024**
- Coram : Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Parties Present : Shri Vidhan Vyas, Advocate, SUL
Shri Jaideep Laktakia, SUL

Record of Proceedings

Member, Shri P. K. Singh, did not participate in the proceedings.

2. Learned counsel for the Petitioner, SUL, submitted that the present IA has been filed seeking to modify prayers made in the main Petition so as to include a direction to Respondents to refund the amount of Rs. 39.75 crores being the amount of Bank Guarantee (BG) dated 10.6.2021 which was illegally invoked by Respondents. Learned counsel further submitted that in the main Petition, the Petitioner has already, *inter alia*, prayed to declare that invocation of the said BG by Respondents is wrongful & illegal. However, the specific prayer seeking for payment of the principal amount of BG from Respondents is inadvertently absent and accordingly, by the present IA, the Petitioner is seeking to include a prayer to this extent. Learned counsel submitted that the proposed prayer does not raise any new relief in the main matter which would prejudice the interest of Respondents and only provides for consequential reliefs in the event the invocation of BG is held bad in law and, accordingly, urged the Commission to allow the IA.

3. Learned counsel appearing for Respondent, UPPCL sought liberty to file a reply to the IA.

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

- (a) Issue notice to Respondents in the IA.
- (b) Respondents to file their respective replies, if any, to the IA within three weeks with a copy to the Petitioner, who may file its rejoinder, within three weeks thereafter.

5. The IA will be listed along with Petition No. 167/MP/2023 on **8.8.2024**.

By order of the Commission

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