

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 20/MP/2023**

Subject : Petition under Section 79(1)(f) read with 79(1)(b) of the Electricity Act, 2003 and Agreements for Procurement of Power dated 03.03.2022 and 10.03.2022 challenging the Termination Notice dated 18.08.2022 issued by South Western Railways under Article 4.4 of the APP dated 03.03.2022 and all consequential actions pursuant to the Termination Notice.

Petitioner : Jindal India Thermal Power Limited (JITPL)

Respondents : South Western Railways, Indian Railways (SWR) and Anr.

Date of Hearing : **15.9.2026**

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

Parties Present : Shri Vishrov Mukerjee, Advocate, JITPL  
Ms. Pallavi Saigal, Advocate, SWR  
Shri Shreysth Ramesh Sharma, Advocate, TPTCL  
Ms. Surbhi Kapoor, Advocate, TPTCL  
Shri Vedant Choudhary, Advocate, TPTCL

**Record of Proceedings**

At the outset, learned counsel for the Petitioner submitted that the Hon'ble Supreme Court in its recent judgment dated 8.5.2026 in Civil Appeal No. 4652 of 2024, held that Indian Railways does not qualify as a deemed distribution licensee under the Electricity Act, 2003. Consequently, the dispute raised in this case is between the generating company and the consumer and needs to be adjudicated through arbitration. Learned counsel accordingly suggested that the Respondent, SWR, may seek instructions on this aspect.

2. The learned counsel for Respondent No.2/TPTCL also suggested that all parties may be asked to seek necessary instructions on the above aspect.

3. In response, the learned counsel for Respondent No.1/SWR sought liberty to seek the necessary instructions in this regard.

4. Considering the above, the Commission adjourned the matter to permit the Respondents to seek instructions on the aspect of jurisdiction of the Commission to adjudicate upon the dispute involved in this case in light of the Hon'ble Supreme Court's recent decision as referred to above.

5. The Petition will be listed for hearing on **3.11.2026**.

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