

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

I.A No. 61/IA/2023 in Petition No. 17/RP/2022

Subject : Interlocutory Application under Section 94 (2) of the Electricity Act, 2003 seeking hearing of the Review Petition No. 17/RP/2022 in view of the judgment dated 25.7.2023 passed by Hon'ble APTEL in Appeal No. 185 of 2017.

Petitioner : NLCIL

Respondents : TANGEDCO & Ors.

Date of Hearing : **15.9.2023**

Coram : Shri Jishnu Barua, Chairperson
Shri I.S Jha, Member
Shri Arun Goyal, Member
Shri Pravas Kumar Singh, Member

Parties Present : Shri Anand Ganesan, Advocate, NLCIL
Ms. Swapna Seshadri, Advocate, NLCIL
Ms. Ritu Apurva, Advocate, NLCIL
Shri Karthikeyan, Advocate, NLCIL
Shri Sarthak Sareen, Advocate, NLCIL
Shri Rakesh Pandey, Advocate, NLCIL
Shri Suresh Suman, NLCIL
Shri Vinay Sobit, NLCIL
Shri Tulasi Kumar, NLCIL
Shri Akansh, NLCIL
Shri S. Vallinayagam, Advocate, TANGEDCO

Record of Proceedings

During the hearing, the learned counsel for the Review Petitioner submitted that the present IA has been filed seeking hearing of the Review Petition No. 17/RP/2022 on the issue of O&M expenses, on transfer price of lignite, pursuant to the APTEL judgment dated 25.7.2023 in Appeal No. 185 of 2017 (filed by the Petitioner against the Commission's order dated 20.3.2017 in Petition No. 149/MP/2015), wherein, the said order has been set-aside and remanded to the Commission for fresh consideration of the issue of O&M expenses on transfer price of lignite for the period 2009-14. He also submitted that the Commission, vide its order dated 30.11.2022 in Petition No.17/RP/2022 (in Petition No. 452/MP/2019) had expressly held that the issue of O&M expenses, on transfer price of lignite is subject to the decision of APTEL in Appeal No.185/2017, the said review petition may be listed for hearing. Accordingly, the learned counsel for the Review Petitioner submitted that the IA may be admitted.

2. The learned counsel for the Respondent TANGEDCO submitted that the Review Petition was reserved for orders, after the completion of pleadings and arguments of



parties, the IA filed by the Review Petitioner is not maintainable. He however requested that time be granted to the Respondent to file its reply on the 'maintainability' of the said IA.

3. The Commission, after hearing the learned counsel for the parties, permitted the Respondent TANGEDCO to file its reply on 'maintainability' as well as on 'merits' by **9.10.2023**, with an advance copy to the Petitioner, who may file its rejoinder, if any, by **23.10.2023**. The parties shall complete pleadings in the matter within the due dates mentioned, and no extension of time shall be granted.

4. The IA (along with Petition No.17/RP/2022) matter shall be listed for hearing on **27.10.2023**.

By order of the Commission

Sd/-

(B. Sreekumar)
Joint Chief (Law)

