

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.155/MP/2022

Subject : Petition under Section 79(1)(b) and (f) of the Electricity Act, 2003 for adjudication of disputes arising out of Agreement for Procurement of Power dated 13.4.2016 between Northern Railways for Uttar Pradesh and Jindal India Thermal Power Limited read with the Supplementary Agreement dated 8.11.2017.

Petitioner : Indian Railways (IR).

Respondents : Jindal India Thermal Power Limited (JITPL) and Anr.

Petition No. 194/MP/2022

Subject : Petition under Section 79(1)(b) and (f) of the Electricity Act, 2003 for adjudication of disputes arising out of Agreement for Procurement of Power dated 13.4.2016 between Northern Railways for Uttar Pradesh and Jindal India Thermal Power Limited read with the Supplementary Agreement dated 8.11.2017.

Petitioner : Jindal India Thermal Power Limited.

Respondents : Northern Railways (NR) and Anr.

Date of Hearing : **15.3.2024**

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

Parties Present : Shri Sajjan Poovayya, Sr. Advocate, JITPL
Shri Akshat Jain, Advocate, JITPL
Shri Abhishek Kakker, Advocate, JITPL
Shri Shikhar Verma, Advocate, JITPL
Shri Pulkit Agarwal, Advocate, IR
Shri Alok Mishra, ERLDC

Record of Proceedings

At the outset, the learned senior counsel for the JITPL submitted that the JITPL had preferred IA (Diary) No.155/2024 in Petition No.155/MP/2022 to place on record certain material facts and events for proper adjudication of the present Petition. Learned counsel further submitted that on 12.2.2024, the Appellate Tribunal for Electricity ('APTEL') vide its judgment dated 12.2.2024 in Appeal No. 276 of 2015 & batch titled '*West Bengal State Electricity Distribution Company Limited v. Central Electricity Regulatory Commission & Ors.* ('Railways Judgment'), inter-alia has held that Indian Railways is not a deemed distribution licensee. Learned senior counsel

further pointed out that the above judgment of the APTEL has a direct bearing on the present matter.

2. Learned counsel for the Indian Railway submitted that the Indian Railway is challenging the APTEL`s judgment in the Hon`ble Supreme Court and prayed to list the matters for the hearing after June 2024

3. Considering the submissions of the learned senior counsel and learned counsel for the parties, the Commission issued notice on the IA and directed the Petitioner, JITPL to serve a copy of the IA (Diary) No. 155/2024 on the other side immediately, if not served already. The Commission directed Respondents to file their replies on the said IA within six weeks, with an advance copy to the JITPL, who may file its response, if any, within six weeks thereafter.

4. The Petitions along with the IA, will be listed for the hearing on **22.8.2024**.

By order of the Commission

Sd/-

(T.D. Pant)

Joint Chief (Law)