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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 11704/2018 and CM Nos. 45293-45295/2018**

M/S SEI SUNSHINE POWER PRIVATE LTD. Petitioner

Through: Mr Sukumar, Mr Hemant Singh and
Mr Nishant Kumar, Advocates.

versus

CENTRAL ELECTRICITY REGULATORY
COMMISSION AND ANR.

..... Respondents

Through: Mr Naveen Hegde, Mr N. Sai Vinod,
Advocates for R-1.
Ms Suparna Srivastava and Ms
Sanjana Dua, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **29.10.2018**

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

“a) issue an appropriate writ, order or direction thereby declaring the impugned letters dated 28.03.2018, 29.03.2018 and 03.10.2018 [being Annexure P-1 (Colly.)] as non-est and illegal, and for setting aside the said impugned letters issued by PGCIL;

b) issue an appropriate writ, order or direction for restraining PGCIL from taking any coercive action including but not limited to termination of the Transmission Service Agreement dated 26.08.2016, till the final disposal of the petition, being Petition No. 318/MP/2018 pending adjudication before the Ld. Central Electricity Regulatory Commission; and”

2. The petitioner's essential grievance is that it has filed a petition

before the Central Electricity Regulatory Commission (CERC) challenging the letters dated 28.03.2018, 29.03.2018 and 03.10.2018 issued by respondent no. 2 (Power Grid Corporation of India Limited). However, the said petition has not been heard by the CERC. The learned counsel appearing for CERC/respondent no.1 states that one of the members of the CERC is out of the country and CERC cannot hold a hearing for want of quorum. He, however, states that CERC will be holding a hearing on 06.11.2018.

3. In view of the above, the present petition is disposed of by directing that no coercive steps shall be taken till 06.11.2018. This is to enable the petitioner to seek appropriate relief before CERC. It is, accordingly, also directed that the Registrar of CERC shall list the petitioner's petition before the CERC on the said date.

4. It is clarified that this Court has not expressed any opinion on the merits of the disputes raised by the petitioner and CERC shall consider the same uninfluenced by this order.

5. The petition is disposed of.

6. Order *dasti* under signature of Court Master.

VIBHU BAKHRU, J

OCTOBER 29, 2018
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