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

+ W.P.(C) 6335/2020 & CM APPL. 22489/2020

M/S MYTRAH ENERGY INDIA PRIVATE LIMITED

..... Petitioner

Through: Mr. Sandeep Sethi, Sr. Advocate with Ms.
Amrita Narayan, Mr. Approva Misra, Ms.
Jyotsna Khatri and Ms. Kanika Kumar.

versus

POWER GRID CORPORATION OF INDIA LTD AND ANR.

.....Respondents

Through: Ms. Swapna Seshadri, Advocate for R-1.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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11.09.2020

The hearing was conducted through video conferencing

CM APPL. 22490/2020 (Exemption from filing original copy, original affidavits and certified copy of documents)

1. Exemption allowed, subject to the condition that the petitioner will file the duly sworn/attested affidavit within 72 hours from the date of resumption of the regular functioning of this Court.
2. The application stands disposed-off.

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3. Ms. Swapna Seshdari, the learned counsel for Power Grid Corporation of India states that the said Corporation had filed a caveat before the Appellate Tribunal for Electricity because the forum of first instance i.e. Central Electricity Regulatory Commission (CERC) is

presently non-functional. According to her, since the learned Tribunal has original jurisdiction as well, the petitioner should have sought appropriate remedies before it. The Corporation has already invoked the Bank Guarantee. The amount is likely to be transferred into its account in the course of the day, if not already done. She further submits, upon instructions, that the monies shall only be parked in the account and shall not be disbursed till any orders are passed by the learned Tribunal or any other forum.

4. In view of the above, the petition, alongwith pending application, is dismissed as withdrawn with liberty to the petitioner to approach the Appellate Tribunal.
5. Should the petitioner's application be found to be lacking jurisdiction, the respondent shall not disburse/appropriate the said monies for a period of one week.
6. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through e-mail.

NAJMI WAZIRI, J

SEPTEMBER 11, 2020

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