

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 322/TL/2024 alongwith IA No. 35/2026

Subject : Application under Sections 14, 15 and 79(1)(e) of the Electricity Act, 2003, read with Central Electricity Regulatory Commission (Procedure, Terms and Conditions for Grant of Transmission License and other related matters) Regulations, 2009, seeking grant of the transmission licence to NERGS-I Power Transmission Limited.

Petitioner : NREGS-I Power Transmission Limited (NREGSPTL).

Respondent : Central Transmission Utility of India Limited (CTUIL) and Ors.

Date of Hearing : **18.3.2026**

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

Parties Present : Ms. Poonam Verma Sengupta, Advocate, NREGSPTL
Ms. Poorva Saigal, Advocate, CTUIL
Shri Shubham Arya, Advocate, CTUIL
Ms. Swapna Seshadri, Advocate, APDCL
Ms. Aishwarya Subramani, Advocate, APDCL
Shri Piyush Sachdev, Advocate, APDCL
Shri Harsha V Rao, Advocate, APDCL
Ms. Runamoni Bhuyan, APDCL
Shri Ritam Biswas, RECPDCL
Shri Shashank Singh, RECPDCL

Record of Proceedings

At the outset, the learned counsel for the Petitioner submitted that the present Petition had been filed seeking a grant of transmission licence for the development and operation of ISTS under the '*North Eastern Region Generation Scheme-I (NERGS-I)*' (the 'Project'). The learned counsel further added that since the scope of Petition has now fundamentally altered in view of subsequent development; and since there is no specific prayer regarding NERGS' claims for compensation in the present Petition, the present Petition has become infructuous, and it is necessitated for the Petitioner to file a fresh Petition to specifically seek for adjudication of its claims for compensation against CTUIL. The learned counsel further added that in terms of the Record of Proceedings dated 6.1.2026, the Petitioner has filed IA No.35/2026 under Order XXIII Rule 1(3) of the Code of Civil Procedure, 1908, seeking permission to withdraw the present Petition and liberty to file a fresh Petition subsequently.

2. The learned counsel for the Respondent, APDCL, submitted that as recorded in the Record of the Proceedings for the hearing dated 20.6.2025, the Petitioner has agreed to APDCL's proposal of the reimbursement of costs incurred by it and also to participate in the proposed meetings as suggested by APDCL. However, after the matter had been substantially heard on merits by this Commission, the Petitioner, on 6.1.2026, asserted an absolute right to withdraw the Petition, contending that it had become infructuous and that issues relating to reimbursement of the expenditure incurred require separate adjudication.

The learned counsel also added that the withdrawal application discloses neither any formal defect nor any sufficient cause warranting withdrawal, and the Petitioner has not demonstrated any procedural infirmity in the Petition that prevents adjudication on the merits. She added that there should be sufficient ground to withdraw the Petition, and without such ground or defect, the Petitioner cannot be permitted to withdraw and reargue the very same issues in a fresh petition.

3. The learned counsel for the Respondent, CTUIL, submitted that since the present Petition had been filed under Section 14,15 and 79 (1) (e) of the Electricity Act read with the Transmission Licence Regulations, 2024, notified by this Commission, the Petition is mandatorily to be filed and pursued both in terms of the statute as well as the contract. The learned counsel further added that once such a Petition is filed, the discretion lies solely with this Commission whether to grant the licence or not, and moreover, such proceedings cannot be frustrated by the Petitioner itself by filing an application seeking withdrawal. The learned counsel further submitted that the proceedings for the grant of a licence are not in the nature of a lis as in the case of a civil suit, but also encompass the interests of others, including public interest. The learned counsel submitted that the reliance placed on Order XXIII Rule 1(3) of CPC is erroneous and not applicable as a matter of right to proceedings before this Commission, and even otherwise, the Petitioner has failed to demonstrate any formal defect or sufficient grounds as required thereunder. The learned counsel submitted that unless the licence is specifically rejected by this Commission, the Petitioner cannot unilaterally abandon the regulatory process mid-way, after having participated in and benefited from the bidding process, thereby affecting the public interest at large. The learned counsel submitted that the present Petition cannot be withdrawn, and if allowed, then such withdrawal would automatically lead to non-fulfilment of the conditions subsequent and consequences on account thereof.

4. In rebuttal, the learned counsel for the Petitioner submitted that the IA No.35/2026 has been filed to withdraw the present Petition, with liberty to institute a fresh Petition seeking compensation from CTUIL on account of the scrapping of the transmission Project. The learned counsel further submitted that the matter has not yet been heard on merits, further that the Petitioner harbours no apprehensions as averred, and that it is also agreeable if the present Petition is converted into a claim Petition. However, if the Commission so decides, the Petitioner may be permitted to file its reply on the merits of its claims. The learned counsel also emphasised that at no point in time during these proceedings has shown unwillingness to go ahead with the project. In the end, the learned counsel also prayed for the continuation of the interim directions.

5. At the end, the learned counsel for the Respondents, APDCL and CTUIL, in the alternative, also suggested that if the Commission disposes the Petition as infructuous, and the Petitioner is granted liberty to institute a fresh Petition for the compensation towards cancellation of the project, the rights of the Respondents to rely and refer to the pleadings, proceedings, and the admissions made herein be also reserved.

6. Considering the above, the Commission permitted the parties to file their respective written submissions, if any, within three days, with a copy to the other side. The interim directions, issued vide Record of the Proceedings for the hearing dated 23.9.2025, will continue until the outcome of the present petition.

7. Subject to the above, the Commission reserved the matter for order.

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