

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 10480/2024

DAMODAR VALLEY CORPORATION **APPELLANT(S)**

VERSUS

MADHYA PRADESH POWER MANAGEMENT **RESPONDENT(S)**
COMPANY LTD. & ANR.

O R D E R

We do not find any good ground and reason to interfere with the impugned judgment in view of the difference of language in Section 79(1)(f) of the Electricity Act, 2003¹, from Section 86(1)(f) of the 2003 Act. The power of the Central Electricity Regulatory Commission under Section 79(1)(f) is different from the discretion exercised by the State Electricity Regulatory Commission under Section 86(1)(f) of the 2003 Act.

The appeal is accordingly dismissed.

In view of the dismissal of the present appeal and with the consent of the learned counsel appearing for the parties who have requested the Court to nominate an Arbitrator, Mr. Justice K.M. Joseph, former Judge of this Court, is appointed as the sole Arbitrator to adjudicate upon the disputes *inter se* the parties and in terms of the impugned order dated 28.08.2024. The learned Arbitrator will make a declaration in terms of Section 12(5) of the Arbitration and Conciliation Act, 1996². Fourth Schedule to the

Signature Not Verified
Digital Signature
Deepak Kumar
Date: 2024.09.25
16:14:17 IST
Reason: []

- 1 For short, "2003 Act".
- 2 For short, "1996 Act".

1996 Act shall apply.

Pending application(s), if any, shall stand disposed of.

.....J.
(SANJIV KHANNA)

.....J.
(SANJAY KUMAR)

NEW DELHI;
SEPTEMBER 23, 2024.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No. 10480/2024

DAMODAR VALLEY CORPORATION

Appellant(s)

VERSUS

MADHYA PRADESH POWER MANAGEMENT COMPANY LTD. & ANR.

Respondent(s)

(FOR ADMISSION and IA No.207945/2024-EX-PARTE STAY)

Date : 23-09-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE SANJAY KUMAR

For Appellant(s)

Mr. Vikas Singh, Sr. Adv.
Mr. Shri Venkatesh, Adv.
Ms. Kanika Chugh, Adv.
Mr. Nihal Bhardwaj, Adv.
Mr. Harsh Vardhan, Adv.
Mr. Kartikay Trivedi, Adv.
Mr. Nitin Saluja, AOR

For Respondent(s)

Mr. C.S. Vaidyanathan, Sr. Adv.
Mr. Rajiv Shankar Dvivedi, AOR
Mr. Aashish Anand Bernard, Adv.
Mr. Vinayak Goel, Adv.
Ms. Karnika Singh, Adv.
Mr. S.K. Sarkar, Adv.
Mr. Rishabh Jain, Adv.
Mr. Paramhans Sahani, Adv.

UPON hearing the counsel, the Court made the following
O R D E R

The appeal is dismissed, in terms of the signed order.

In view of the dismissal of the present appeal and with the consent of the learned counsel appearing for the parties who have requested the Court to nominate an Arbitrator, Mr. Justice K.M. Joseph, former Judge of this Court, is appointed as the sole Arbitrator to adjudicate upon the disputes *inter se* the parties and

in terms of the impugned order dated 28.08.2024.

Pending application(s), if any, shall stand disposed of.

(DEEPAK GUGLANI)
AR-cum-PS

(R.S. NARAYANAN)
ASSISTANT REGISTRAR

(signed order is placed on the file)